

**A REVIEW OF THE DEVELOPMENT OF
DEMOCRACY IN BURMA**

HEARING
BEFORE THE
SUBCOMMITTEE ON EAST ASIAN
AND PACIFIC AFFAIRS
OF THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

—————
JUNE 18, 2003
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Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.access.gpo.gov/congress/senate>

U.S. GOVERNMENT PRINTING OFFICE

89-837 PDF

WASHINGTON : 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
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A REVIEW OF THE DEVELOPMENT OF DEMOCRACY IN BURMA

Wednesday, June 18, 2003

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:30 p.m. in Room SD-419, Dirksen Senate Office Building, Hon. Sam Brownback, chairman of the subcommittee, presiding.

Present: Senator Brownback.

OPENING STATEMENT OF HON. SAM BROWNBACK, U.S. SENATOR FROM KANSAS

Senator BROWNBACK. The hearing will come to order. This is a hearing of the Subcommittee on East Asian and Pacific Affairs. We will be hearing about recent developments in the Southeast Asian country of Burma. This is a result of actions taken by the Congress in light of the recent crackdown in Burma, and in light of broader discussion of the United States toward the military regime in Burma. We have the author of this major bill, Senator McConnell, who will be first to testify. Before I go on with my statement, I want to say how appreciative I am of his great work to focus intensity and ability to move this legislation on forward. I appreciate that, and I know the people of Burma deeply appreciate that.

During some ominous twilight hour on May 30 a band of brutes under the banner of the Union Solidarity and Development Association launched into an attack on a caravan transporting Aung San Suu Kyi and supporters of a goodwill tour. The resulting melee ended in an unknown number of people killed and injured and Aung San Suu Kyi imprisoned, along with 19 of her supporters in a nationwide crackdown on her National League for Democracy, the NLD, and the country's universities, which have proven to be a fount of democratic activism.

Last week, the *New York Times* quoted a noted expert as saying if they can get away with it, this is the end of Aung San Suu Kyi, if not as a mythical figure, then as a real threat to them. If people accept that she can be locked away and nobody can see her, and that other leaders can be silenced and that the party can be silenced, then they've won the day.

I am confident when I say that they have already lost. As Secretary Powell's comments in the *Wall Street Journal* stated, simply put, the attack on Ms. Suu Kyi, her convoy, and the utter failure of the junta to accept efforts at peaceful change cannot be the last

word on the matter. I applaud the efforts of Secretary Powell in Cambodia addressing this and other important issues at the ASEAN Regional Forum, who has clearly asserted the United States' policy. The message is clear to the regime. Time is up for your tyranny.

I am not asserting that our policies have come simply as a response to this latest crackdown. By contrast, as early as March, during a House International Relations Committee hearing, Deputy Assistant Secretary of State Matthew Daley stated, "absent progress, we will be forced to consider, in conjunction with the international community, sanctions and/or other measures."

Ostensibly, the Secretary of State made a reversal of policy because of a steady buildup of egregious violations by the regime. The window for dialogue and engagement withered before our eyes. However, questions remain about the direction and commitment the U.S. has to executing this new policy. Upon what equities will we need to trade? Will there be strategic issues the U.S. would need to transcend if it were to pursue this policy? Can we expect adequate cooperation from our allies, regional partners, and other key players? Our witnesses have answers to most of these questions, and I look forward to hearing from them.

My own view is that engagement with the regime, whether or not it was bearing fruit, has shamelessly failed. Systems of government matter. Unlike some of the other erstwhile communist states, fledgling democracies in the former Soviet Union, Burma does not operate under any pretense or suggestion that it is a democratic-oriented state. Not only does it not get it, the junta does not want to get it. For the U.S. to have the moral authority to move forward, we must impose sanctions, namely, import bans, sacrificing our own economic self-interest in this particular case; I think it can be very, very successful.

The other measures which extend the visa ban for the regime's thugs, freeze and seize assets, ban remittances, and ban travel for U.S. citizens, are all measures to put the squeeze on the Generals. I'm hopeful that we're going to be able to work in an international coalition in this effort. Just last week, the Senate passed a resolution on Burma that allows the use of sanctions. Normally, I am strongly opposed to the use of sanctions, but in this particular case I think it is something that we have to look at very aggressively to send any type of message at all to this brutal regime.

Let me conclude my comments by simply saying that, one personal note, a couple of years ago I traveled to the Thai-Burmese border. It was on an issue regarding trafficking in persons. It was actually sex trafficking, and one of the premier places where that was happening in the world was along the Burmese-Thai border. The reason it was happening there was because the Burmese Government was running its citizens out of its country along that border, and a number of young girls were becoming prey to traffickers into brothels in Thailand and other places.

This was a direct result of what the Burmese regime was doing to its own people, leading to this increase in trafficking in one of the biggest areas in the world. Burma is a tier three country; it just came out in the Trafficking in Persons Report. They don't care about the trafficking in persons, and it continues to happen

unabated. This is a shameful situation that's happening as a result of the policies of the Burmese Government.

I now have the pleasure of introducing the lead author of the resolution that passed the United States Senate last week, Senator Mitch McConnell, who has worked aggressively on the topic of our relations with Burma and putting pressure on the Burmese Government. Senator McConnell, I'm delighted to have you here, and the floor is yours.

**STATEMENT OF HON. MITCH McCONNELL,
U.S. SENATOR FROM KENTUCKY**

Senator McCONNELL. Thank you very much, Mr. Chairman, and thank you for your interest. The timeliness of this hearing could not be more obvious. I appreciate your support as well as Chairman Lugar's and Ranking Member Biden's support for the Burmese Freedom and Democracy Act, which we passed out of the Senate, as you indicated, just last week. That 97-to-1 vote underscores the Senate's support for the struggle for freedom in Burma. We sent a very powerful message to Rangoon, that the freest nation on earth is leading the charge to defend Burma's courageous democrats, including Nobel Laureate Aung San Suu Kyi.

As Burma's history informs its future, a cursory examination of the past should discourage us from believing that strong words from Senators alone will cause the thugs in Rangoon to change their ways. The illegitimate Burmese junta was born in blood, and the leaders of the regime have maintained their grip on power through violence and intimidation ever since. For over 40 years, from the military coup led by General New Win in 1962, until the murder of democratic dissidents just this last month, the generals who run things in Rangoon have brutalized their political opponents, terrorized the Burmese people, and driven the Burmese economy right into the ground.

Every time the junta has been threatened by the forces of freedom and democracy, it has violently lashed out against its critics. We saw this during the 1988 pro-democracy demonstrations in Burma, again in the 1990 elections won by the NLD, and most recently on May 30 when, as you indicated, Mr. Chairman, the ambush on Suu Kyi's convoy occurred that killed and injured scores of democrats.

Despite the murder and the mayhem, the SPDC has yet to extinguish the flames of freedom in Burma. What has been most impressive is the courage and determination of Suu Kyi and all Burmese democrats in the face of this incredible repression. They simply refuse—simply refuse—to surrender the principles of freedom, human rights, and the rule of law to this abusive regime.

United States sanctions on Burma are a good first step, and will be watched. Indeed they are being watched around the globe. But our actions will not be truly effective until our European allies and Burma's neighbors also place pressure on the junta. There are many reasons why they should do this. First, the world's democracies have an inherent obligation to assist other freedom-loving peoples to achieve their aspirations for democracy and the rule of law. This is even more true when freedom is under attack, as is happening in Burma.

Second, Mr. Chairman, the SPDC poses a clear and present danger to Burma's neighbors. Burma is a major exporter of narcotics, small arms, HIV/AIDS, instability, and disease, to say nothing of the forced trafficking of women and children as indentured sex workers, which the Chairman has already referenced. China and Thailand already recognize the growing HIV/AIDS and narcotics problems spilling over Burma's borders into their own countries.

As the recent SARS epidemic has illustrated, disease knows no borders, and it is apparent that all transnational issues that stem from the SPDC pose long-term threats to the region and beyond the region.

Finally, the junta's brutal attack on democracy in Burma received swift condemnation from foreign capitals. Even ASEAN, the Association of Southeast Asian Nations, now meeting in Cambodia, can no longer ignore this crisis festering in its own backyard. U.N. Special Envoy Razali Ismail lashed out at ASEAN, saying, "constructive engagement is just an excuse for perpetuating the status quo. ASEAN should be very embarrassed at what is happening in Burma."

Maybe ASEAN is embarrassed. The comments of nine members earlier this week for Suu Kyi's release is a welcome departure from ASEAN's policy of noninterference in other member states' affairs, but words must be backed up by concrete actions. ASEAN members collectively and independently should consider similar measures proposed in the Burmese Freedom and Democracy Act, including travel restrictions and freezing assets of the SPDC.

On this latter point, Mr. Chairman, Razali indicated that a portion of the junta's assets may be in Singapore. Perhaps the Senate should discuss this matter when the Singapore Free Trade Act comes to the floor for consideration. Some of Burma's regional neighbors have been more aggressive in seeking to curry favor with the military junta. Bidding for despots is never a safe bet, and I would encourage those countries, including Japan, India, Malaysia, China, and Thailand to rethink the dangers inherent to cooperating with an illegitimate regime.

Further unrestrained competition between China, Japan, and India for greater relations with Rangoon may create unintended and unproductive demands of its own. The Council on Foreign Relations' Independent Task Force on Burma released its report just this morning. It contains numerous policy recommendations that the administration and the U.N. should consider and implement.

I am pleased to have served on that task force, along with Senators Lugar and Feinstein, and want to encourage the State Department to move quickly on one particularly timely suggestion. America should press the U.N. to convene an emergency Security Council meeting to sanction Burma.

Let me add one recommendation not included in the task force report. Diplomatic relations with Burma should be downgraded by sending Burma's Ambassador in Washington back to Rangoon until such time that Suu Kyi and all political prisoners are freed. I sent a letter to Secretary Powell this very morning suggesting a downgrade in relations, and encourage other interested Members to do the same.

If the international community has the political will to stand for freedom in Burma, change can come to that beleaguered country. America can lead in that effort, but we cannot do it alone. It is in the interests of the United States, Europe, and all of Asia that a solution to Burma be achieved. Absent such a resolution, the major exports from Burma to the region will continue to be drugs, disease, and refugees. Those are the major exports from Burma right now, drugs, disease, and refugees.

Let me close, Mr. Chairman, by saying that the full range of sanctions cannot be imposed against Burma soon enough. However, there must be concrete progress and a meaningful dialogue between the SPDC, the NLD, and ethnic minorities before any pressure is lifted. It's not enough simply to free Suu Kyi and other political prisoners. This game that the junta plays of catch and release has gotten old. Pressure should only be lifted when a dialogue leads to a successful conclusion of Burma's struggle for freedom.

Thank you very much, Mr. Chairman, for the opportunity to be here today.

Senator BROWBACK. Thank you, Senator McConnell, for your statement and the power of it, and I appreciated all the specifics that you put in it as well. It's a very complete statement and a very good one. It strikes me anywhere around the world that when you see evil as concentrated as what we have in the leadership in Burma, the thing you do with it is not to negotiate with it. You confront it and you deal with it, and you face it; you've put forward a number of very specific items here.

Let me ask you, in your review of actions taken by other countries to date, have the Europeans been stepping forward on dealing with Burma? Is there any indication that they will be putting additional pressure on Burma?

Senator MCCONNELL. Not to the extent that I would like, and I think the Europeans ought to join us. We have had some differences recently over Iraq policy. This ought to be something that we can all agree on.

And I, like you, am typically skeptical of sanctions, but there is one good example in recent history where a multilateral sanctions regime worked and actually brought about regime change, which is what we are seeking here. That was South Africa where the entire world literally treated the South Africa Government as a pariah. It was so isolated from the rest of the world as a result of its own internal policies, very similar to this, that it did indeed hasten the end of the apartheid regime.

So there's every reason to believe that an effective international sanctions regime could well get the job done in Burma, and I'm hoping that the United States is going to lead and the Europeans will follow. Of course it's very important for the ASEAN countries to do a good deal more than they did just the day before yesterday—they called for the release of Suu Kyi. Maybe they thought that was a big deal, because they typically don't comment on internal affairs in ASEAN countries; but the release of Suu Kyi is not enough, and letting Razali in to see her for 15 minutes is not enough.

Seeing is not freeing. First, she needs to be out, free to go about the country, and that needs to lead to an orderly transition to rec-

ognize the outcome of the election in 1990. I believe that with the U.S. in the lead, with our prestige at an all-time high throughout the world, this is the time to get multilateral sanctions regimes in place around the world, and I think it will make a difference.

Senator BROWNBACK. The Thais have been a good ally of the United States for a long period of time, and yet have been slow to move forward on addressing the issue of Burma. Lately, they have made some stronger statements here, but are we seeing enough progress being made, or push made by Thailand?

Senator MCCONNELL. No. The Thai Prime Minister met with the President a week ago Tuesday. I met with him as well. They have had, as the Senator knows, a policy of constructive engagement, which basically means they're doing business with the thugs. I think the Thais need to reverse that policy. The President himself mentioned that to the Thai Prime Minister in their meeting. I and others certainly mentioned it up here. I think that is a policy that clearly won't work.

The Thais could potentially have the greatest impact on the Burmese regime, because they're right next door. I hope the constructive engagement policy will change and that they will join us in an international sanctions regime that can actually squeeze the junta right out of power.

Senator BROWNBACK. Senator, thank you very much for your testimony, and I appreciate all of your suggestions.

We will next call up Hon. Lorne W. Craner. He is the Assistant Secretary for Democracy, Human Rights, and Labor at the State Department, and he will be the next panel presentation.

Mr. Craner, thank you very much for joining us. Your full statement will be made a part of the record. You're welcome to summarize or to deliver off that statement, however you would choose. We're delighted to have you here.

STATEMENT OF HON. LORNE W. CRANER, ASSISTANT SECRETARY, DEMOCRACY, HUMAN RIGHTS AND LABOR, DEPARTMENT OF STATE

Mr. CRANER. Thank you very much, Senator. Normally I actually don't read statements at length, but I would like to read this one; because the administration has a few things to say, and we would like to say them publicly.

Mr. Chairman, thank you for holding this important and timely hearing. It is with a feeling of outrage and disgust that I appear here today, because tomorrow a courageous champion of democracy, Aung San Suu Kyi, will be spending yet another birthday, her 58th, in detention. The Burmese junta must release Aung San Suu Kyi immediately and resume a dialogue with the opposition to formulate with them a plan for democratization in Burma.

In light of the recent outrageous events in Burma, I will be updating you on the State Department's current strategy to respond to those events and reiterating this administration's unwavering commitment to support the long-suffering people of Burma as they battle for democracy, human rights, and freedom. Both the President and Secretary of State have taken a personal interest in Burma, and many of my comments echo those of the Secretary in his recent editorial in the *Wall Street Journal*.

Our worst fears for democracy in Burma have been realized. We have always doubted the sincerity of the junta's claim to desire a peaceful transition to democracy. Now we know our doubts were justified. The orchestration of the ambush of Aung San Suu Kyi and her supporters on May 30 and the refusal to account for what has happened leave no room for debate.

The junta, calling itself the State Peace and Development Council, rules through fear and brutality, and with complete disregard for the rule of law, basic human rights, and the hopes and welfare of the Burmese people. The junta's recent actions make clear the depths to which these thugs will sink to retain power. Our response must be equally clear.

We commend the bipartisan efforts of Members of Congress to shine a spotlight on human rights in Burma. We also commend the Senate for passing the Burmese Freedom and Democracy Act sponsored by Senator Mitch McConnell, who has always been a great advocate for liberty in Burma for now over a decade.

The State Department supports the goals and intent of this bill, and we are working on several actions to increase pressure on the SPDC. Already, we have extended our visa restrictions to include all officials of the puppet organization of the junta: the Union Solidarity and Development Association (USDA), and the managers of state-run enterprises, so that they and their families can be banned as well.

The United States already votes against loans to Burma from IFUs like the World Bank. In addition to our existing sanctions, we are now working on freezing the financial assets of members of the SPDC and banning remittances to Burma. We are also considering an import ban. Finally, we hope to place restrictions on travel to Burma.

As we strengthen our own set of sanctions, we do so in conjunction with the E.U. Earlier this week, the E.U. began implementing its own strengthened common position which will also extend an asset freeze and visa restrictions to leaders of the USDA and managers of state-owned companies. To be truly effective, however, Burma's neighbors must join us in increasing pressure on the SPDC. It is time that Asian countries take responsibility for the actions of their Burmese neighbor, the junta that destabilizes the region and smears the reputation of a regional institution like ASEAN.

As we speak, the Secretary is currently having frank discussions at the ASEAN Regional Forum about Burma with both members of ASEAN and other countries in attendance, including China. ASEAN loses credibility when it allows one of its members to flout its previous commitments to the organization. It is time that ASEAN members act decisively and firmly to address the problems in Burma that affect their region. We recognize their recent statement in favor of national reconciliation as a first step. We also support their plans to send a troika delegation to Rangoon, but we need to see more.

The SPDC's renewed campaign of violence and repression against the NLD and Aung San Suu Kyi shows the junta's blatant disregard for the basic rights of the Burmese people and the desire of the international community to see those rights protected. The

most recent crackdown is just one link in a long chain of appalling behavior against the people and the nation that the military regime claims to represent.

The SPDC's disregard for human rights and democracy extends to every conceivable category of violation. The junta suppresses political dissent by censorship, persecution, beatings, disappearances, and imprisonment. It harasses ethnic minorities through brutal campaigns against civilians. It sharply curtails religious freedom. It subjects its people to forced labor. It recruits children to serve in the military, and then brutalizes them.

The litany of abuses in ethnic minority regions is especially deplorable: widespread and brutal rapes, tortures, murders, forced relocations, forced labor, confiscation of property, and suppression of religious freedom in villages in the Shan, Karen, Kayah, Mon, Rakhine, and Tenasserim Divisions. The violations of the basic human rights of these minority peoples have devastating consequences that extend from individuals and their families and communities, to the region and the world.

The widespread use of forced labor by the SPDC, including the forced conscription of children into the army, has been an ongoing concern to the U.S. and the International Labor Organization. Forced labor is one of the most egregious violations of worker rights. Since the ILO's request to its constituents in December 2000 that they review their relations with Burma in light of the system of forced labor, it has been trying to work with the SPDC to eliminate forced labor. As the ILO liaison officer in Rangoon said recently, forced labor continues to be a serious problem, especially in border areas controlled by the military.

Our recent report on trafficking in persons, released just last week, sheds further light on the problem and the Burmese regime's insufficient response. The SPDC has tried to appease the ILO with slow increases in the level of their cooperation with them, but this has yet to lead to any serious actions to combat the problem.

In May, the SPDC and the ILO agreed on a plan of action which, if implemented, would have begun to produce some substantive progress. The ILO decided this month, however, that the climate of uncertainty and intimidation created by the events of May 30 did not provide an environment in which the plan could be implemented credibly.

Forced labor is yet another area in which the SPDC continues to evade its responsibility to protect the basic rights of the people of Burma and show its disdain for the rule of law.

Throughout Burma, there is no freedom of association, no freedom of expression, and no freedom of the press. Well over 1,000 political prisoners languish in Burma's jails, and the arrests and unlawful detentions continue. In addition to Aung San Suu Kyi, at least 100 NLD supporters were detained or are missing or dead after the incident in late May. NLD leaders, both young and old, were targeted in this assault. Today, we fear for the welfare of senior leader U Tin Oo, who reportedly was injured, and whose whereabouts remain unknown.

We have not forgotten, nor will we forget, any of these brave individuals who put their lives on the line over the past two decades to stand, as others have before them, for justice, democracy, free-

dom, the rule of law, and the right to be heard. Together with the international community, we have pressed for the immediate and unconditional release of all political prisoners at every opportunity. We will continue to do so until every prisoner is released to live a life in freedom and peace.

We will also continue to report honestly and accurately on the crimes of the SPDC in our reports on human rights, religious freedom, and trafficking in persons and drugs. The truth will not be hidden. The oppression of an entire nation must not stand. The international community should pull together as never before to put an end to the unchecked abuses perpetrated by this illegitimate and brutal junta. The Generals must learn that such appalling behavior will deny them any of the benefits of participation in the global community, and eventually will deny them the ability to maintain the power they stole from the legitimate democratic leadership of Burma in 1990.

Thank you, sir.

Senator BROWNBACk. Thank you very much.

Let me ask you a couple of things, starting off with countries in the region and how they're doing on dealing with the government in Rangoon. What's been the communication you've had with China on its relationship with Burma, its support for the military government, and what's been the Chinese response?

Mr. CRANER. Insufficient for what we would like. There is no evidence that they're willing to change their attitude on Burma neither in international fora nor bilaterally.

Senator BROWNBACk. This, in spite of the things that have happened here, the ambush that happened on Suu Kyi, the ongoing problem? The Chinese have not changed their position towards Burma?

Mr. CRANER. No, they have not.

Senator BROWNBACk. China is a major supplier, a major military supplier to the Government of Burma. Does that continue to be the case?

Mr. CRANER. That continues to be the case.

Senator BROWNBACk. How do they justify this position given this takeover by a military government, the trafficking, narcotics trafficking, sex trafficking that is taking place right next door to them? They can't deny that it occurs, or do they?

Mr. CRANER. No, they don't deny that it occurs, but you have to remember that, given the nature of the Chinese regime, the way they would view the regime in Burma, they are obviously affected by some of these problems. There is a drug problem, a big drug problem in southern China along those borders, and they recognize that trafficking in China needs to be cleaned up. They have taken some acts over the years, but they are not yet ready, at this moment at least, to increase their pressure on the Burmese junta.

Senator BROWNBACk. What about Thailand? What has the Thai response been?

Mr. CRANER. The best way to look at this is to look at the region and decide as a group, are they moving? I think as Senator McConnell noted, they have moved in terms of statements. They are talking about sending a group to Rangoon to push the regime to release

Suu Kyi and open up. I don't think that is enough, but I also don't think we should underestimate that movement.

My experience in watching regimes around the world is that the most useful pressure can come from the United States and Europe, but it is at least as important to have the neighbors involved in pressuring a regime to change. It need not include economic sanctions against a regime in their neighborhood. The regime in their neighborhood has to get the sense that their neighbors have tired of them before they look at changing.

Senator BROWNBAC. Is that message being conveyed by ASEAN?

Mr. CRANER. I think the Burmese regime was shocked by the change, the statement that was made by ASEAN. I don't think it expected that at all. I think that was an important thing, though it looks insufficient to us, but I think the Burmese regime has begun to get the message, as it should, that it is an embarrassment to the other countries in the region and that the other countries are tiring of having this kind of mess in their neighborhood.

Senator BROWNBAC. I would think they would at least convey that, or grow weary of the trafficking, drug trafficking, trafficking in persons, the sex trafficking. Do you get comments from any of the ASEAN countries about that?

Mr. CRANER. We do, but as you know well, in many of the countries in ASEAN, Burma is not the only country with these kinds of problems. In fact, it's not the only tier three country in Asia. I think what is more important is the kind of pressure that we and others are putting on Burma's neighbors in the region to say, we've had enough, and you have got to get past this policy of constructive engagement and have a more useful and forceful policy towards the regime in Burma. I think that is what will cause them to change, to become embarrassed, like I said, by the mess in their neighborhood.

Senator BROWNBAC. What about the Europeans? What has been the response by the Europeans to Suu Kyi's arrest and the attack on her caravan?

Mr. CRANER. Earlier this year, they said that they were going to wait until October to see if anything changed in Burma, and on Monday they announced that they weren't going to wait until October to see if anything changed. Instead, they were going to impose the sanctions, which are very similar to ours, that they had originally agreed to withhold until November. That's why, in this case, nobody should be mistaken that these are unilateral penalties by the United States against Burma. The E.U. added to its arms embargo, and similarly to our actions, added to its visa bans and assets on more than 150 officers in the junta.

Senator BROWNBAC. So is it fair to say that the United States and Europe are walking very closely together on dealing with Burma?

Mr. CRANER. Yes. I have to tell you, I think we were leading. I think we moved much more quickly both here in the Congress and in the administration than was the case in Europe, but we have always for some years tried to walk beside Europe on these issues to make sure that the maximum pressure possible is brought against Burma.

Senator BROWNBACK. What about Senator McConnell's series of suggestions that he has put forward that are very, very strong positions, the lead one being downgrading relations, a letter to Secretary Powell that he was sending, and then also an emergency U.N. meeting to discuss sanctioning Burma. What's your view on the part of the administration of those two items?

Mr. CRANER. I'm going to let the Secretary answer the letter on downgrading relations, because that just came in this morning. On the U.N. meeting, it is a good idea; but one needs to consider what happens at the end of the day when the meeting is over, and I think the suggestion was in particular for a Security Council meeting. If one or more of the members of the Security Council, especially the permanent members, were to not want to see sanctions, that would not be a good end of the day at the U.N.

Senator BROWNBACK. But let's play that out. Let's say that China does not want to see sanctions. Doesn't that expose right there the major problem, or one of the major problems, in the Chinese support for this military dictatorship that is treating its people so poorly? Wouldn't that even of itself be constructive and instructive?

Mr. CRANER. I think it would be instructive, but I don't think it would add to our knowledge of Chinese policy. What I would hate to see is the Burmese regime trumpeting a failure by the U.N. to bring sanctions as a victory for them; that they, the SPDC, evaded sanctions by the U.N.; and for them to tell people at home that nobody outside cares about them.

Senator BROWNBACK. Do you have any initial review of where the U.N. members would be, the Security Council members would be on a series of sanctions against Burma?

Mr. CRANER. If you looked at the slate, most of them would be interested in that; but again you have the issue of the permanent Security Council members having a veto, and of exactly how many votes you would get for that. It is definitely an attractive idea for the beginning of the day when it happens. I'm not sure it would look so good at the end of the day.

Senator BROWNBACK. So what you're saying to me is that we're going to need to build, bilaterally, pressure around the world with a number of different countries in building up the pressure on Burma.

Mr. CRANER. Yes. That is something we are doing, and we want to do, including with China already, not necessarily aimed at a U.N. Council session. In general, that is something in which we are redoubling our efforts as we speak.

Senator BROWNBACK. I want to ask about drug production and movement out of Burma. There have been press reports earlier this year indicating some question and discussion about heroin production, and other illicit drugs, closely being linked to top-ranking Burmese officials and the Burmese armed forces.

I'd like to know, is that accurate from the administration's perspective, and is the United States taking a position that Burma is not cooperating in the war against drugs, narcotic movement, production, and is indeed a state runner of drugs? Could you inform me of the administration's view and position on drug production and drug movement in and out of Burma?

Mr. CRANER. I think the most instructive thing is that earlier this year we refused to certify them as cooperating in the war on drugs. They had tried to persuade us in Rangoon and elsewhere that they were cooperating, but we found the evidence insufficient to be able to certify them in our report to Congress that we put forth every year. That is the bottom line. There are just a handful of countries where we're unable to do that in the world, and Burma is one of them.

Senator BROWNBACk. A handful of countries—

Mr. CRANER. That we were unable to certify as cooperating in the war on drugs.

Senator BROWNBACk. Okay, so indeed that there is drug movement out of Burma and into the region—

Mr. CRANER. Absolutely.

Senator BROWNBACk [continuing].—and globally as well. Mr. Craner, thank you very much for being here to testify. The administration has taken a strong stance, and I do hope and pray for the future of Burma and the Burmese people that we are successful in putting pressure on this military dictatorship that has caused so much suffering amongst its own people and throughout that region and throughout the world.

Mr. CRANER. First of all, let me thank you for having the hearing. Second, on behalf of the administration, I want to thank the Senate and the House. We have been able to walk with the Europeans on this, but we have also, I think, been very united as a United States Government on this. I think that is very, very important. The third thing I would say is that if these penalties don't work, we may be coming back to you, as Secretary Powell indicated in the *Wall Street Journal*, to put more and more pressure on the regime and we look forward to working with you on that.

Senator BROWNBACk. Thank you very much, Mr. Craner.

Now, I'd like to call the next panel.

U Aung Din is policy director of Free Burma Coalition here in Washington D.C.; Mr. Brian Joseph, program officer for Asia, the National Endowment for Democracy, also in Washington; Mr. Kevin Burke, President and CEO of American Apparel and Footwear Association; and Mr. Kenneth Rogers, Associate Dean of International Programs and Director of International Services (Emeritus) Indiana University; and finally, Ms. Veronika Martin. She's an advocate for Refugees International.

I want to advise the panel and the hearing room that there was previously scheduled a vote for 3:15. It has not been called yet. We will start the panel, but we may have to take a brief recess while I go over to vote, but rather than wait and see whether we're voting, I thought we would go ahead and get started.

Mr. U Aung Din. Let me say to the whole panel as well, we will receive your entire statement into the record. If you care to summarize, because it is a large panel, that would probably be best, and your full statement will be in the record.

Mr. Din.

**STATEMENT OF U AUNG DIN, POLICY DIRECTOR,
FREE BURMA COALITION**

Mr. DIN. Mr. Chairman, thank you very much for giving me the opportunity to speak on behalf of 50 million Burmese who are locked in a battle with an illegitimate military regime to bring peace, democracy, and human rights to our country. My name is Aung Din. I sit as a director of policy for the Free Burma Coalition, an organization based in the United States with national and international chapters.

I would like to thank you, Senator Brownback and Senators Mitch McConnell and Feinstein and the members of the United States Senate for the overwhelming bipartisan vote to approve the Burma Freedom and Democracy Act last week. By supporting this legislation, you've sent a clear message to the people of Burma that you support our struggle for freedom. I ask the House to act on this legislation soon.

Since you have already heard much about the events surrounding May 30, 2003, I would like to tell you about my personal account and discuss the many different ways that the people of Burma are working to get rid of our country's dictatorship.

In 1988, I was a student at the Rangoon Institute of Technology when I and many of my fellow students helped to organize a nationwide demonstration that almost overthrew the military government. We marched proudly in front of the American embassy and waved our banners, because we knew that Americans believed in freedom and democracy. We avoided the Soviet embassy for the same reason.

Tragically, as millions of people marched on the streets the military regime fired on us. Up to 10,000 people were murdered in a matter of weeks, including students, women, and even infant children. Those who survived were jailed and suffered daily torture sessions.

Mr. Chairman, this was one year before the fall of the Berlin Wall. Unfortunately, because the military refused to let any international news media inside the country, no one knew what happened to us. After seeing my colleagues gunned down on the streets, I was very scared; but I knew I could not give up. I continued to organize demonstrations and protests, and eventually I was captured by the regime.

When they arrested me, they handcuffed me, threw a hood over my head and pulled me off the bus I was riding. I was taken to a military interrogation center where I was held with no food, no drink, no toilet, no sleep for one week. My hood was never removed. Successive shifts of interrogation officers beat, kicked, and hit me. When I asked for the water, they laughed at me. When I asked to use the bathroom, they beat me even more. Many times I almost passed out, but they poured cold water on my head to wake me up so my beatings could continue.

A month later, I was put in the solitary confinement, where I stayed for over a year. In Burma, solitary confinement means no human contact. I was sent to military court and given a sentence of 4 years in prison. My trial only took 15 minutes, and I had no lawyer. I spent these 4 years of my life behind bars.

Senator BROWNBACK. Excuse me, this was in a prison?

Mr. DIN. Yes. I was in a prison for 4 years and 3 months. If there is a hell on earth, it must be Burma's Insein Prison, where I was jailed. For political prisoners such as myself, each day centered on interrogations, beatings, and mental torture. When the guards noticed I had written a calendar on my wall with a small piece of brick, I was thrown into pitch-black solitary confinement. When I forgot to stand at attention, I was forced to crawl on sharp, pointed stones for 100 yards while the prison guards beat me with sticks and belts.

Many of my fellow prisoners were tortured even more. They were tortured for dropping a cup of water. They were tortured for teaching English. They were tortured for anything. Often, when I tried to sleep, I could hear the screams of those being tortured. Those screams haunt me to this day. They are the voices of my friends, many of whom were killed by the violence inflicted upon their bodies. It is for them that I have dedicated my life to freeing my country from the evil darkness that is the ruling military junta.

I would like to tell you about the other brave people of Burma. There are over 1,600 men and women political prisoners in Burma, and many have been behind bars for over 10 years. We talk so many times about numbers that it can be easy to forget their names and their stories. My friend, Min Ko Naing, has been in prison since 1989.

For the Burmese people, Aung San Suu Kyi is like George Washington. Min Ko Naing is like Sam Adams. He is a true hero. We were both arrested at the same time. He was also severely tortured. Unlike me, however, he has been held in solitary confinement for 14 years in an 8-by-10 foot cell, never leaving for more than 15 minutes per day.

The regime has offered to release Min Ko Naing if he would sign a document forswearing any political activity and condemning the democracy movement. He has refused. In the face of such brutal tyranny, he continues to fight back against the regime. His courage should inspire us.

Now, I would like to discuss the many different ways people are resisting the military regime in Burma. One way that we are working to bring change to Burma is through information. The National Endowment for Democracy gives money to organizations along the Thailand-Burma border that help to get information inside the country, including this newspaper, *The New Era Journal*. Every month, we distribute thousands of copies inside Burma throughout our courier network. Keep in mind that possession of this newspaper is an automatic 7-year jail sentence.

We are also very grateful for services from the Voice of America and Radio Free Asia. Even though many people have been sentenced to long prison terms for listening to the radio, the people of Burma listen to these radio programs almost every night in order to find out what's going on in the world and in our own country.

My people also continue to organize protests around the country. Last August, two of my colleagues were arrested for organizing a protest in downtown Rangoon. In September, 30 more people were arrested for protesting. In November, a man was arrested for making an NLD symbol, and in January, two Buddhist nuns were arrested for organizing a demonstration. In February, one dozen peo-

ple were arrested for planning a demonstration, and in May another man was arrested.

I know that it does not make it in the news very often, but not a month goes by that the people of Burma are not trying to organize a nationwide uprising. There are also many actions taking place in a coordinated manner that are directed at fostering support for the democracy movement within Burma's armed forces. The effort is aimed at convincing military leaders and soldiers that the future of the country lies with the democracy movement, and not with the regime.

Other actions by underground groups inside the country allow freedom activists to travel and conduct organizational work with key groups such as monks and rice farmers. Aung San Suu Kyi's speeches are copied and distributed by the thousands on audio tape in Burma. The Burmese people are also defying the military regime by attending speeches of Aung San Suu Kyi. These are really more than just speeches, they are democracy rallies.

In December, 20,000 people came to see her speak in Arakan state. In March, 30,000 people came to watch her speak in Chin state, and on this latest trip tens of thousands of Burmese people risked their lives and their livelihoods to participate. Even when the regime has threatened them with weapons and guns, they refuse to turn back.

I would like to close my testimony by making a few recommendations. First and foremost, we need regime change in Burma. The United Nations has attempted to foster a dialogue that can lead to a political transition, and events have shown this to be a failure. Sanctions will serve to cut the regime's access to hard currency that it uses to finance its instruments of terror.

In order to accomplish regime change, we must do three things in addition to increasing sanctions. Firstly, we need to increase resources to fund the struggle inside Burma. Sanctions will help us very much, but they should be seen as a first step. The people of Burma need to be given the tools to effect change, including money, communications equipment, food, and humanitarian support to refugees internally displaced, and in Thailand and India.

Second, the United States needs to pressure ASEAN, Japan and India to end their political support for the military regime. China will enjoy tremendous economic benefits from a free market, politically stable Burma, and this will be in their strategic national interest. Clearly a democratic Burma will be better for the entire region.

Third, the United Nations Security Council must act now on Burma. So far, the United Nations has been worthless in helping my country. The Burmese regime has played the United Nations like a dancing marionette.

A Security Council resolution should seek to duplicate the actions contained in the Burma Freedom and Democracy Act. We know that freedom is not free. Its cost is measured in the bodies of dead democracy activists, broken families, and years stolen from the lives of political prisoners. We are willing to pay the price, and we do so every day. We want people around the world to know this. We are freedom fighters, not victims.

Mr. Chairman, this regime will not last. I look forward to the day when I am able to join my family and friends in Burma, about telling them that during our darkest hour, when our fight was far from certain, when despair had almost overcome hope, that it was the people of the United States and their representatives sitting in this Congress that lifted the torch of democracy and lit our path to freedom.

Thank you.

[The prepared statement of Mr. U Aung Din follows:]

PREPARED STATEMENT OF AUNG DIN

Mr. Chairman,

Thank you for giving me the opportunity to speak on behalf of 50 million Burmese who are locked in a battle with an illegitimate military regime to bring peace, democracy and human rights to our country. My name is Aung Din, and as you mentioned I serve as the director of policy for the Free Burma Coalition, an organization based in the United States with national and international chapters.

I'd like to thank you Senator Brownback and Senators McConnell and Feinstein, and the members of the United States Senate for the overwhelming bipartisan vote to approve the Burma Freedom and Democracy Act last week. By supporting this legislation, you sent a clear message to the people of Burma that you support our struggle for freedom. I urge the House to act on this legislation soon.

Since you have already heard much about the events surrounding May 30th, 2003, I want to tell you about myself and discuss the many different ways that the people of Burma are working to get rid of our country's dictatorship. I know that Aung San Suu Kyi is the most recognized person from Burma, but it is important for the Committee to know that there are thousands of others in Burma who are committed to nonviolence and working for the removal of the regime and the institution of a democratic Burma.

In 1988, I was a student at the Rangoon Institute of Technology when I and many of my fellow students helped to organize a nationwide demonstration that almost overthrew the military government. We marched proudly in front of the American Embassy and waved our banners, because we knew that Americans believe in freedom and democracy. We avoided the Soviet embassy for the same reason.

Tragically, as millions of people marched on the streets, the military regime opened fire on me and my fellow students. Up to 10,000 people were murdered in a matter of weeks, including students, women and infant children. Those who survived were jailed and suffered daily torture sessions.

Mr. Chairman, this was one year before the fall of the Berlin Wall.

Unfortunately, because the military refused to let any international news media inside the country, no one knew what happened to us. After seeing my colleagues gunned down on the streets, I was very scared; but I knew I couldn't give up. I continued to organize demonstrations and protests, and eventually, I was captured by the regime.

When they arrested me, they handcuffed me, threw a hood over my head, and pulled me off the bus I was riding. I was taken to a military interrogation center, where I was held with no food, no drink, no toilet, and no sleep for one week. My hood was never removed. Successive shifts of interrogation officers beat, kicked, and hit me. When I asked for water, they laughed at me. When I asked to use the bathroom, they beat me even more. Many times I almost passed out, but they poured cold water onto my head to wake me up so my beatings could continue.

A month later, I was put in solitary confinement, where I stayed for over a year. In Burma, solitary confinement means no human contact. I was sent to military court and given a sentence of four years in prison. My trial took only fifteen minutes, and I had no lawyer. I spent the next four years of my life behind bars.

If there is a hell on earth, it must be Burma's Insein prison where I was jailed. For political prisoners such as myself, each day centered on interrogations, beatings, and mental torture. When the guards noticed I had written a calendar on my wall, I was thrown in pitch-black solitary confinement. When I forgot to stand at attention, I was forced to crawl on sharp, pointed stones for 100 yards while the prison guards beat me with sticks and belts. Many of my fellow prisoners were tortured even more. They were tortured for dropping a cup of water. They were tortured for teaching English; they were tortured for anything. Often, when I tried to sleep, I could hear the screams of those being tortured. Those screams haunt me to this day.

They are the voices of my friends, many of whom were killed by the violence inflicted upon their bodies. It is for them that I have dedicated my life to freeing my country from the evil darkness that is the ruling military junta.

Our families did not escape either. My brother was also arrested for his participation in the freedom struggle. Many parents and families were forced out of their jobs by the regime. The regime, through the military intelligence (MI) apparatus, conducts a scorched earth campaign against anyone associated with the democracy movement.

OTHER POLITICAL PRISONERS

I want to tell you about the other brave people of Burma. There are over 1,600 men and women political prisoners in Burma and many have been behind bars for over a decade. We talk so many times about numbers that it can be easy to forget their names and their stories.

My friend Min Ko Naing has been in prison since 1989. For the Burmese people, Aung San Suu Kyi is like George Washington. Min Ko Naing is like Sam Adams—he is a true hero.

Just as much as Aung San Suu Kyi, he was the main leader of our revolution. He spoke at rallies across the country and called on the people to believe in freedom. I think that he understood freedom and democracy at its roots, far before many of the rest of us.

We were both arrested at the same time. He was also severely tortured. Unlike me, however, he has been held in solitary confinement for 14 years. It might be that the military regime will never release him.

In 1994, U.S. Congressman Bill Richardson met Min Ko Naing in prison. He told the Congressman to continue the struggle for freedom and democracy. The military punished Min Ko Naing by transferring him 500 miles away from his family. Now, his family can only visit him once a year. He has never been permitted to leave his 8 x 10 foot cell for more than 15 minutes per day.

The regime has offered to release Min Ko Naing if he will sign a document forswearing any political activity and condemning the democracy movement. He has refused. In the face of such brutal tyranny, he continues to fight back against the regime. His courage should inspire us.

I would now like to discuss the many different ways people are resisting the military regime in Burma. Aung San Suu Kyi is one person in a democracy movement that is broad and deep. There are hundreds of activists that are jailed and killed each year who never receive any attention. Most of my people struggle, suffer, and die without a word being raised by the international community.

INFORMATION

One way that we are working to bring change to Burma is through information. The National Endowment for Democracy gives money to organizations along the Thailand-Burma border that help to get information inside the country, including this newspaper, *The New Era Journal*. Every month, we distribute thousands of copies inside Burma through a courier network. Keep in mind that possession of this newspaper is an automatic seven-year jail sentence.

We are also very grateful for services from the Voice of America and Radio Free Asia. Even though many people have been sentenced to long prison terms for listening to the radio, the people of Burma listen to these radio programs almost every night in order to find out what's going on in the world and in our own country.

PROTESTS AND POLITICAL DEFIANCE

My people also continue to organize protests around the country. Last August, two of my colleagues were arrested for organizing a protest in downtown Rangoon. In September, 30 more people were arrested for protesting. In November, a man was arrested for making an NLD symbol, and in January, two Buddhist nuns were arrested for organizing a demonstration. In February, one dozen people were arrested for planning a demonstration, and in May another man was arrested.

I know that it doesn't make it in the news very often, but not a month goes by that the people of Burma aren't trying to organize a nationwide uprising. There are also many actions taking place in a coordinated manner that are directed at fostering support for the democracy movement within Burma's armed forces. The Burma military is a force that is kept together through fear and terror. In the 1990 elections, voting precincts in major military areas delivered overwhelming majorities for the NLD. It is a military that has no ideological commitment to the ruling regime. The outreach effort is aimed at convincing military leaders that the future of the country lies with the democracy movement, and not with the regime.

Other actions by underground groups inside the country allow freedom activists to travel and conduct organization work with key groups such as monks and rice farmers. Aung San Suu Kyi's speeches are copied and distributed by the thousands on audiotape in Burma. I would be happy to talk about these efforts with you in a more private setting. I also want to point out that the Open Society Institute, Norwegian-Burma Committee, and several other organizations—some government sponsored—are assisting our movement.

ATTENDING PRO-DEMOCRACY SPEECHES

The Burmese people are also defying the military regime by attending speeches of Aung San Suu Kyi. These are really more than just speeches—they are democracy rallies.

In December 20,000 people came to see her speak in Arakan state. In March 30,000 people came to watch her speak in Chin State. And on this latest trip, tens of thousands of Burmese people risked their lives and their livelihoods to participate. Even when the regime has threatened them with weapons and guns, they refused to turn back.

RECOMMENDATIONS

I would like to close my testimony by making a few recommendations for future policy on Burma. First and foremost, we must make it clear that, as Senator McConnell has said, we need regime change in Burma. The United Nations has attempted to foster a dialogue that can lead to a political transition, and events have shown this to be a failure. Sanctions will serve to cut the regime's access to hard currency that it uses to finance its instruments of repression. We must now work on empowering activists inside the country to allow them to bring maximum internal pressure against the regime. Either way, they must be removed. The United States is in a unique position to help bring about change in the world because Americans believe in freedom and democracy.

In order to accomplish regime change, we must do three things:

(1) Increase Resources to the Struggle Inside Burma

We need increased resources to fund the struggle inside Burma. Sanctions will help us very much, but they should be seen as a first step. The people of Burma need to be given the tools to effect change, including money, communications equipment, food and humanitarian support to refugees internally displaced and in Thailand and India.

(2) Pressure Other Countries to Stop Supporting Burma's Regime With Military Sales and Business Investment

The United States needs to pressure ASEAN, Japan, and India to end their political support for the military regime. China will enjoy economic benefits from a free-market, politically stable Burma. Clearly, a democratic Burma will be better for the entire region.

(3) Push the United Nations Security Council to Act on Burma

The United Nations Security Council must act now on Burma. So far, the United Nations has been worthless in helping my country. The Burmese regime has played the United Nations like a dancing marionette. A Security Council resolution should seek to duplicate the actions contained in the Burma Freedom and Democracy Act.

If the Security Council refuses to act, the United States must help the Burmese people overthrow the illegitimate junta through the use of a nonviolent, mass mobilization campaign. I want to stress that we are not asking for military intervention, but we are asking for political and moral support directed to activists inside the country.

The regime has been given 2½ years to bring change to Burma. Now, it is time to change the regime. We must bring unremitting pressure against these thugs. The same economic and political conditions that led to the 1988 uprising are still present in Burma. The regime is hated by the people and, if enough political space can open, I can envision another people power mobilization that can sweep this regime from Rangoon and condemn it to the ash heap of history.

We know that freedom isn't free. It's cost is measured in the bodies of dead democracy activists, broken families and years stolen from the lives of political prisoners. We are willing to pay the price and we do so every day. We want people around the world to know that we are freedom fighters, not victims.

Mr. Chairman, this regime will not last. I look forward to the day when I am able to rejoin my family and friends in Burma about telling them that during our darkest hour, when our fight was far from certain, when despair had almost overcome

hope, that it was the people of the U.S. and their representatives sitting in this Congress that lifted the torch of democracy and lit our path to freedom.
Thank You.

[ADDITIONAL INFORMATION SUBMITTED BY U AUNG DIN]

I. MEN AND WOMEN WHO WERE ARRESTED OR DISAPPEARED
DURING THE MAY 30, 2003 ATTACK

1. Aung Aung, (M) NLD youth, Mandalay Southwest Township
2. Aung Aung Latt, (F) NLD youth, Mandalay Northeast Township
3. Aung Htoo, (M) NLD, Bohtahtaung Township, Rangoon
4. Aung Khin, (M) NLD, Mandalay Division
5. Aung Ko, (M) NLD, Northwest Township, Mandalay
6. Aung Kyaw Kyaw Oo (aka) Aung Kyaw Myint, (M), NLD youth in-charge, Mandalay (Age 32) (*Confirmed in the Khantee prison, Chin State*)
7. Aung Kyaw Myint, (M) NLD, Mandalay Southeast Township
8. Aung Kyaw Soe, (M) NLD, Mandalay Northeast Township
9. Aung Naing, (M) NLD youth, Mandalay Northeast Township
10. Chit Yin, (M) NLD, Mandalay Southeast Township
11. Daw Aung San Suu Kyi, (Female) General Secretary, NLD (Age 58) (*Confirmed in Yemon Military Camp*)
12. Dr. Hla Myint, (M) NLD, Amarapura Township
13. Dr. Hla Soe Nyunt, (M), NLD, Mandalay, Divisional Organizer
14. Dr. Win Aung (M), NLD, Amarapura Township
15. Hla Oo, (M) NLD, Amarapura Township
16. Hla Soe Win, (M) NLD youth, Mandalay Southwest Township
17. Hla Than, (M) Mandalay Northwest Township
18. Hsann Lwin, (M) NLD youth, Mandalay Northeast Township
19. Htut Soe, (M) NLD youth, Rangoon Division
20. Khin Aung Htwe, (M) NLD, Mandalay Northeast Township
21. Khin Aye Myint, (F) NLD, Mandalay Northwest Township
22. Khin Maung Oo, (M) Photographer, Mandalay
23. Khin Ma Ma Tun, (F) NLD youth, Mandalay Northeast Township
24. Khin Maung Thaug, (M) NLD, Mandalay Southwest Township
25. Khin Mya Win, (F) NLD, Mandalay Southwest Township
26. Khin Oo, (M) NLD youth, Sagaing Division
27. Ko Lay, (M) NLD, Mandalay Northeast Township
28. Kyaw Aun, (M) NLD, Mandalay Northwest Township
29. Kyaw Htike, (M) NLD youth, Mandalay Northeast Township
30. Kyaw Kyaw, (M) Mandalay Northwest Township
31. Kyaw Myo Thu, (M) NLD youth, Mandalay Southwest Township
32. Kyaw Myo Oo, (M) NLD youth, Mandalay Northeast Township
33. Kyaw Soe, (M) Mandalay Northwest Township
34. Kyaw Soe Lin, (M) NLD youth, Mandalay (Age 25)
35. Kyaw Than, (M) NLD youth, Mandalay Northeast Township
36. Kyaw Tin Win, (M) NLD youth, Rangoon Division
37. Kyaw Zwar Win, (M) Mandalay Northwest Township
38. Kyi Kyi Myint, (F) NLD, Mandalay Southwest Township
39. Lin Htut Soe, (M) NLD youth, Mandalay Northeast Township
40. Myo Zaw Aung, (M) NLD youth, Kawlin Township
41. Minn Lwin, (M) NLD youth in-charge, Mandalay Division, (Age 34)
42. Min Lwin, (M) NLD youth, Rangoon, (*Confirmed in the Khantee prison, Chin State*)
43. Min Thein, (M) NLD youth, Mandalay Southwest Township
44. Min Zaw Oo, (M) Student, Government Technical College, Monywa—(*Confirmed dead*)

45. Moe Thaw (aka) Pho Thaw, (M) NLD youth, Rangoon (Age 32) (*Confirmed in the Khantee prison, Chin State*)
46. Myint Kyaw, (M) NLD youth in-charge, Rangoon (Age 37) (*Confirmed in the Khantee prison, Chin State*)
47. Myint Ngwe, (M) NLD youth, Yenanchaung Township, Magway Division (Age 38)
48. Myint Oo, (M) NLD, Mandalay South East Township
49. Myint Wai, (M) NLD youth, Yenanchaung Township, Magway Division
50. Myint Myint Kyi, (F), NLD, Mandalay Division
51. Myo Min (M) NLD youth, Mandalay Northeast Township (Age 31)
52. Myo Naing, (M) NLD, Mandalay Division Organizer
53. Myo Nyunt, (M) NLD, secretary, Ahlone Township, Rangoon Division, (age 37)
54. Myo Tint, (M) NLD youth, Mandalay Southwest Township
55. Myo Zaw Aung, (M) NLD, Mandalay Northeast Township, (*Confirmed in the Khantee prison, Chin State*)
56. Nay Myo Lin, (M) Mandalay Northwest Township
57. Naing Naing, (M) Democratic Party for a New Society
58. Nyunt Nyunt, (F), NLD, Mandalay Northwest Township
59. Soe Soe, (M) NLD youth, Htuntone Myothit Township
60. Soe Win, (M) Driver
61. Thunder Soe, (F) Mandalay Northwest Township
62. Than Tun, (M) NLD, Kamaryut Township, Rangoon Division
63. Than Htay, (M) NLD, Mandalay Southeast Township
64. Than Htun, (M) NLD, Mandalay Division Organizing Committee, (*Confirmed in the Khantee prison, Chin State*)
65. Than Tun Oo, (M) Mandalay Northwest Township
66. Than Win, (M) NLD, Mandalay Northeast Township
67. Thein Aung Lay, (M) Mandalay Northwest Township
68. Thein Soe, (M) Photographer, Sagaing
69. Thein Toe Aye, (M) NLD youth, Mandalay Southwest Township
70. Thein Tun, (M) NLD youth, Yankin Township, Rangoon
71. Thein Zan, (M)
72. Thet Zaw (aka) Thet Tun, (M) NLD youth in-charge, Rangoon, (Age 30) (*Confirmed in the Khantee prison, Chin State*)
73. Thura (aka) Thi Ha, (M) NLD youth, Mandalay, (Age 29) (*Confirmed in the Khantee prison, Chin State*)
74. Tin Lin, (M) Mandalay Northwest Township
75. Tin Maung Oo, (M) NLD, Mandalay Southwest Township
76. Toe, (F) NLD, Mandalay Southwest Township
77. Toe Lwin, (M) NLD youth, Bahan Township, Rangoon Division (Age 32) (*Confirmed dead*)
78. Tin Tin Myint, (F), NLD, Mandalay Division
79. Tun Tun, (M) Mandalay Northwest Township
80. Tun Win, (M) NLD, Mandalay Southwest Township
81. Tin Tun Oo, (M) NLD, Mandalay Division
82. Tun Tun Win, (M) NLD, Mandalay Northeast Township
83. Tin Maung Aye, (M) Mandalay Northwest Township
84. Tun Myint, (M) NLD, secretary, Bahan Township, Rangoon Division, (Age 36) (*Confirmed in the Khantee prison, Chin State*)
85. Tun Myaing, (M) Joint-secretary, Sagaing Division
86. Tun Naing Oo, (M) Mon Ywar Township
87. Tun Zaw Zaw, (M) NLD youth in-charge, Rangoon (Age 38) (*Confirmed in the Khantee prison, Chin State*)
88. U Aung Soe, (M) NLD, Organizer of Mandalay Division
89. U Chit Tin, (Male), Secretary, NLD, Mandalay Division
90. U Hla Mi (M) NLD, MP Elect, Kawthaung Township

91. U Htwe, (M) NLD, Mandalay Southeast Township
92. U Myint Kyi, (M) MP Elect, NLD, Kathar Township
93. U Paw Khin, (M) MP Elect, Myingyan Township
94. U Par Pa, (M) Vice-chairman, Sagaing Division
95. U Piimya Thin, (M) Buddhist Monk, Okkan Tawya Monastery, Monywa—(*Confirmed dead*)
96. U Saw Hlaing, (M) MP elect, NLD, Inn Daw Township
97. U Tin Aung Aung, (M) MP elect, NLD, Mandalay Northwest Township, (Age 59) (*Presumed dead*)
98. U Tin Oo, (Male) Vice-Chairman, NLD (Age 75) (*Confirmed in the Kalay prison, Sagaing Division*)
99. U Tin Tun Oo, (M) NLD, MP elect, Lewe Township, Mandalay Division, (Age 40)
100. U Thwae, (M) Mandalay Northwest Township
101. Wanna, (F) NLD, Mandalay Southwest Township
102. Wanna Maung, (M) NLD youth, Htuntone Myothit Township
103. Win Aung, (M) NLD, Divisional Organizer, Sagaing Division
104. Win Khaine, (M) Mandalay Northwest Township
105. Win Ko, (M) NLD, Mandalay Northeast Township
106. Win Mya Mya, (F) NLD, Mandalay Divisional Organizer (*Confirmed in the Northwestern Military Command headquarters, Monywa*)
107. Win Myint Oo, (M) NLD, Mandalay Southeast Township
108. Win Phyu Ei, (F) NLD youth, Mandalay Northeast Township
109. Win Thiha Aung, (M) Student, Monywa Institute of Economy (*Presumed dead*)
110. Yan Naung Soe, (F) NLD youth, Mandalay Northeast Township
111. Yee Yee Lin, (F) NLD youth, Mandalay Northeast Township
112. Ye Min Zaw, (M) NLD youth, Mandalay Southwest Township
113. Ye Myint Aung, (M) NLD, Mandalay Northeast Township
114. Zaw Lay, (M) NLD, son of Hla Myint, Amarapura Township
115. Zaw Win Tun, (M) NLD youth, Mandalay Southwest Township, (Age 27) (*Confirmed in the Khantee prison, Chin State*)
116. Zaw Zaw Aung, (M) NLD youth, Mandalay Southwest Township
117. Zayar Tun, (M) NLD youth, Mandalay Southwest Township
- 118–124. 7 Buddhist Monks, From Yankin Monastery, MonYwar
- 125–138. 14 drivers, (M) names not known yet
- 139–144. 6 Divisional Executive members, Sagaing Division, names not known yet
- 145–158. 14 NLD youth members from Sagaing Division, names not known yet

II. MEN AND WOMEN WHO WERE ARRESTED OR DISAPPEARED
AFTER THE MAY 30, 2003 ATTACK

1. U Aung Shwe, (M) Chairman, NLD, MP elect, Mayangone Township (*House arrest—May 31, 2003*) (Age 85)
2. U Lwin, Secretary, (M) NLD, MP elect, Thongwa Township (*House arrest—May 31, 2003*) (Age 79)
3. U Than Tun, (M) CEC, NLD, MP elect, Taungtha Township, Secretary, CRPP (*House arrest—May 31, 2003*) (Age 82)
4. U Nyunt Wai, (M) CEC, NLD, MP elect, Taungoo Township (*House arrest—May 31, 2003*) (Age 77)
5. U Lun Tin, (M) CEC, NLD, MP elect, Mawlamyine Township (*House arrest—May 31, 2003*) (Age 82)
6. U Hla Pe, (M), CEC, NLD, MP elect, Mawlamyine Gyun Township (*House arrest—May 31, 2003*) (Age 76)
7. Thakin Soe Myint, (M) CEC, NLD, MP elect, South Okkalapa Township (*House arrest—May 31, 2003*) (Age 79)
8. U Kyi Maung (M), Former Chairman of the NLD, MP elect, Mayangon Township (*House arrest—May 31, 2003*) (Age 80)
9. U San Linn, (M) Chairman, NLD Mogot Township (June 3, 2003)

10. U Kyaw Htin, (M) Vice-chairman, NLD Mogot Township (June 3, 2003)
11. U Ko, (M) Vice-chairman, NLD, Mogot Township (June 3, 2003)
12. Ko Myo, (M) NLD, Yankin Township (June 4, 2003)
13. Thein Oo, (M) Officer in-charge, NLD headquarters, Rangoon (June 4, 2003)
14. Soe Win, (M) Officer in-charge, NLD headquarters, Rangoon (June 4, 2003)
15. U Andastiya, Buddhist monk, Kayah State (June 4, 2003)
16. U Soe Win, (M) MP elect from Bago Township, National Party for Democracy, member of CRPP (June 5, 2003)
17. U Ne Win, (M) Vice-chair, NLD, Kachin State (June 5, 2003)
18. U Naing Zaw Win, (M) Joint secretary, NLD, Kachin State (June 5, 2003)
19. U Maran Po Thar, (M) NLD, Kachin State (June 5, 2003)
20. U Hla Maung, (M) MP elect, Kyar Inn Seikkyi Township, CRPP member (June 5, 2003)
21. U Aye Win, (M) NLD, Bassein Township (June 6, 2003)
- 22–26. Another 5 persons from Bassein Township, were arrested together with U Aye Win on June 6, 2003.
27. U Thein Oo, (M) MP elect, Oak Twin Township, Bago Division, member of the National Party for Democracy, a new member of the CRPP (June 6, 2003)
28. U Saw Tun, (M) NLD Organizer, Monywa Township (May 30) (*Sentenced two years imprisonment from a summary court*)
29. U Myint Hlaing (M), Father of political prisoner San San Maw (F) (June 10, 2003)
30. Tin Hla (M), Husband of a political prisoner San San Maw (F) (June 10, 2003)
31. Maung Maung Lay, (M) NLD, Kyimyingdaing Township (June 10, 2003)

Senator BROWNBACK. Thank you very much; thank you for your courageous struggle; thank you for continuing in that until the people of Burma are free. We will be standing with you.

We have a vote on now. I will go over and vote and be back shortly. We will take a brief recess, probably about a 10-minutes; and then we will reconvene. Thank you.

[Recess.]

Senator BROWNBACK. I call the hearing back to order. I'm sorry, that took much longer than I thought it would. I was caught on the floor, then I had to take a call as well; so, my apologies for doing that.

Mr. Joseph, it's good to have you here. Just to reintroduce you quickly, you are a program officer for Asia, National Endowment for Democracy. We're delighted to have you here, and please, the microphone is yours.

**STATEMENT OF BRIAN JOSEPH, PROGRAM OFFICER, ASIA,
NATIONAL ENDOWMENT FOR DEMOCRACY**

Mr. JOSEPH. Thank you very much. I want to thank the committee and Senator Brownback for inviting me to testify today on this important and timely issue. I'm a program officer for Asia at the National Endowment for Democracy (NED). I've managed the NED's Burma project since 1996.

The NED has been deeply involved in supporting democracy and human rights in Burma since 1990, when we made our first Burma grant. Today, thanks in large part to the strong interest that Congress has taken in Burma, the NED now awards over \$2.4 million per year in grants to 35 different Burmese groups dedicated to bringing democracy to their country. This support has been instrumental in sustaining and empowering the democratic opposition in Burma, and increasing pressure on the military regime.

Attached to my written testimony is a list of the Endowment's fiscal year 2002 Burma grants. Please note that because the Burmese junta has targeted the NED in the past for its support of the pro-democracy movement in Burma, the NED no longer publishes the names of recipient organizations.

The situation inside Burma today is arguably more explosive than at any time since the 1988–1990 period when the State Law and Order Restoration Council, or SLORC, unleashed a violent crackdown that left thousands dead, in prison, or in exile. When military-backed thugs attacked pro-democracy leader Aung San Suu Kyi and her convoy on a dark road outside of Monywa on May 30 of this year, all hope for a quick and peaceful negotiated settlement to Burma's longstanding political crisis evaporated.

With Suu Kyi once again in detention, NLD offices shuttered, and scores of pro-democracy activists dead or missing, the regime looks to be firmly in control. But for as long as Suu Kyi and her supporters continue to fight for democracy, the regime's grasp will be conditional on its willingness to use brute force to stay in power. The junta is not a partner for peace and national reconciliation in Burma. It is an obstacle that must be overcome.

In short, the May 30 attack on the NLD and Aung San Suu Kyi demonstrated three things: one, Senior General Than Shwe and the army hardliners are calling the shots; two, the regime is willing to do whatever it deems necessary to hold onto power; and three, despite its rhetoric to the contrary, the SPDC, or the State Peace and Development Council, the successor military junta to the SLORC, understands full well that if given the opportunity the people of Burma would once again come out en masse in support of Aung San Suu Kyi and the NLD.

In a country where the balance of power is so uneven, and where the military regime maintains absolute control over all facets of life, it is essential that efforts to promote a transition to democracy address this imbalance directly.

Sanctions alone are not enough to effect change in Burma, but as part of a larger strategy to promote democracy they are an essential ingredient. Coupled with continuing support for the democracy movement and humanitarian support for the hundreds of thousands of displaced Burmese, the United States is a leader in supporting the struggle for democracy in Burma.

During the year between Aung San Suu Kyi's release from house arrest in May 2002 and the attack on her and her convoy in May 2003, there was a marginal expansion of political space in Burma. Small as this opening was, it presented democracy activists with new opportunities. For example, the NLD was able to reopen nearly 100 district- and township-level offices, and visit six of the seven ethnic states, drawing large and energetic crowds wherever it went.

The regime has now shut those offices and closed those channels. Citizens again have no way to contribute openly to the political life of their country. However, pro-democracy activist groups based within Burma and abroad have well-established underground channels of communication that allow for effective work inside Burma even under extremely trying circumstances.

I now want to provide you with a glimpse of the type of work being done by the pro-democracy movement with support from the

NED. One of the priority areas of concentration for the NED is support for independent news and information.

In Burma, radio, print media, and television are state-controlled. Internet access is limited to all but a handful of SPDC generals and their cronies. Listeners or readers of banned material, as U Aung Din mentioned, are subjected routinely to intimidation and sometimes harsh prison terms.

Pro-democracy organizations based in Thailand, India and further abroad work to counteract the SPDC-controlled media and propaganda through radio, print media, and human rights reports. As the only Burmese-run independent media outlets in the world, these organizations also serve as a training ground for Burmese journalists who will be called upon to establish a free press in Burma after the transition to democracy.

Radio continues to be the most efficient and effective means of reaching sizeable audiences in Burma. The BBC, Radio Free Asia, the Voice of America, and the Democratic Voice of Burma, a Burmese-run short-wave radio station, provide the people of Burma with independent and accurate Burmese language news and information. The NED-funded DVB also broadcasts in a number of major ethnic languages, reaching important yet isolated communities.

Newspapers and magazines published in Thailand and distributed through underground networks inside Burma and along its borders reach tens of thousands of readers. Even in the face of harsh measures to curb the circulation of these papers, demand continues to grow.

Other groups are working to inform the international community of the human rights conditions in Burma and to empower people to fight to protect their rights. Recent reports by NED grantees have documented the use of rape as a weapon of war in the Shan state, religious persecution of Christians in the Chin state, forced labor in Mon state, displacement in Karen state, and violation of women's rights throughout Burma.

The second priority area of funding for the NED is institution-building. Since General Ne Win seized power in 1962, Burma has been ruled by military regimes that have decimated the country's civil society and destroyed its educational system. It is essential to develop and support alternative networks and organizations that can operate outside military control and begin to reconstruct basic elements of civil society. At present, this work must be supported through exile-based organizations with well-established links to the democracy movement inside Burma.

In line with Daw Aung San Suu Kyi's repeated calls for unity in the ranks of the pro-democracy movement, support should be directed at efforts that strengthen cooperation, coordination, and unity among the various ethnic, student, and pro-democracy groups.

Because of time limitations, let me now skip very quickly to the end of my remarks—you can find my full remarks in my written testimony—and say where does this leave us, and what do we do about Burma? Although Burma experts often discuss splits in the military and divisions between the intelligence and army branches of the junta, the military seems fairly united. Absent some crush-

ing event, the regime seems unlikely to turn on itself, but if the regime is so secure in its position, why has it not been able to rid itself once and for all of the democracy movement?

The simple answer is because the democracy movement derives its strength from the people of Burma and is led by one of the world's most courageous, committed, and principled leaders. The democracy movement also draws strength from the international community. When international organizations such as the ILO take unprecedented steps to address forced labor abuses in Burma, or when the United States passes tough sanctions legislation, the effect is twofold. It punishes the regime for its behavior, and bolsters the democracy movement, which has consistently urged governments around the world to avoid doing anything that will prop up the regime.

There is no easy answer to the challenge presented by Burma, yet in one significant way the situation is very promising, for there is a peaceful and legitimate alternative to the regime. That alternative is Aung San Suu Kyi and her colleagues in the NLD. They deserve our full and open support.

The United States should continue to pursue a strategy in Burma that combines punitive measures that target the regime while simultaneously supporting efforts to build a strong democratic alternative.

I have a number of other recommendations, but because I'm out of time I refer you to my written testimony for those. Thank you very much.

[The prepared statement of Mr. Joseph follows:]

PREPARED STATEMENT OF BRIAN JOSEPH

INTRODUCTION

I want to thank the Committee and Senator Brownback for inviting me to testify today on this important and timely issue. My name is Brian Joseph and I am a program officer for Asia at the National Endowment for Democracy. I have managed the NED's Burma project since 1996. The NED has been deeply involved in supporting democracy and human rights in Burma since 1990 when we made our first Burma grant. Today, thanks in large part to the strong interest the Congress has taken in Burma, the NED now awards over \$2.5 million per year in grants to 35 different Burmese groups dedicated to bringing democracy to their country. This support has been instrumental in sustaining and empowering the democratic opposition in Burma and increasing pressure on the military regime. Attached to my written testimony is a list of the Endowment's FY 2002 Burma grants. In the past, the Burmese junta has targeted the NED for its support of the pro-democracy movement in Burma. To protect the security of our Burma grantees, the NED does not publish the names of recipient organizations.

POLITICAL SITUATION

The situation inside Burma today is arguably more explosive than at any time since the 1988-1990 period when the State Law and Order Restoration Council, or SLORC, unleashed a violent crackdown that left thousands dead, in prison or in exile. When military-backed thugs attacked pro-democracy leader Aung San Suu Kyi and her convoy on a dark road outside of Monywa on May 30 of this year, all hope for a quick and peaceful negotiated settlement to Burma's long-standing political crisis evaporated.

In the short term, the regime has stopped democratic development dead in its tracks. With Suu Kyi once again in detention, National League for Democracy (NLD) offices shuttered, and scores of pro-democracy activists dead or missing, the regime looks to be firmly in control. But as long as Suu Kyi and her supporters continue to fight for democracy, the regime's grasp will be conditional on its willingness

to use brute force to stay in power. The Burmese population's rejection of strongman rule and its support for democracy are undiminished.

In October 2001, when the State Peace and Development Council (SPDC), the successor regime to SLORC, announced that it was holding talks with the National League for Democracy, the international community supported efforts to build trust and understanding between the regime and the NLD. For better or worse, the international community at that time gave the regime yet another opportunity to demonstrate its commitment to national reconciliation. Although there have been indications for the past few months that the negotiations between the two parties had been stalled for quite some time, Aung San Suu Kyi and the NLD continued to operate as if dialogue was still possible.

Since her release from house arrest on May 6, 2002, Aung San Suu Kyi and the NLD have worked to rebuild their decimated party and to reconnect with the people of Burma. After re-opening their office in Rangoon, Suu Kyi and various NLD members began to travel the country. In less than a year, Suu Kyi made nine trips outside of Rangoon, visiting six of the seven ethnic states and drawing increasingly large and energetic crowds as her travels progressed. Although it is impossible to know exactly what precipitated the government's decision to attack her party on May 30, the positive reception the NLD received wherever it went punctured one of the SPDC's most important self-held myths. That is, that the military alone could guarantee the territorial integrity of a united Burma.

The regime had to find a way to put Aung San Suu Kyi and the NLD back in a box. A democratic opposition with widespread support from all corners of the country posed a direct threat to the military government and had to be neutralized. The May 30 nighttime attack did more than result in the re-arrest of Aung San Suu Kyi and the death of at least four, and potentially as many as 70, of her supporters. It also reconfirmed that the regime is willing to train its guns, once again, on unarmed civilians.

Prior to the May 30 attack, many Burmese dissidents and observers believed that progress, if not imminent, was at least a possibility. This perception was fueled in part by Razali Ismail, the UN special envoy to Burma. Although it is impossible to know for certain given the severe restrictions on speech and information in the country, reports indicated that the people of Burma were more or less willing to defer to the NLD and Suu Kyi and to trust their judgment that the Razali-backed dialogue, along with nonviolent protest, might eventually lead to a negotiated transition. The hope that the regime was sincere in its commitment to dialogue has now been smashed.

By carefully planning and ruthlessly executing a brazen, thuggish attack on the NLD, the regime exposed its true nature to the world. The junta is not a partner for peace and national reconciliation in Burma. It is an obstacle that must be overcome.

The regime made the cold calculation that there would be no serious repercussions, international or domestic, for its treatment of the nonviolent democracy movement led by Aung San Suu Kyi. The United States and the European Union have already proven them wrong on the first score. The people of Burma will prove them wrong on the second.

In short, the May 30 attack on the National League for Democracy and Daw Aung San Suu Kyi demonstrated three things:

- One, Senior General Than Shwe and the army hardliners are calling the shots.
- Two, the regime is willing to do whatever it deems necessary to hold on to power.
- Three, despite its rhetoric to the contrary, the SPDC understands full well that if given the opportunity the people of Burma would once again come out in mass in support of Aung San Suu Kyi and the NLD.

In a country where the balance of power is so warped and where the military regime maintains absolute control over all facets of life, it is essential that efforts to promote a transition to democracy address this imbalance directly. As long as the regime continues to believe that its actions will be met with little more than perfunctory rhetoric from governments around the world, it will not change.

Sanctions alone are not enough to effect change in Burma, but as part of a larger strategy to promote democracy, they are an essential ingredient. Coupled with continuing support for the democracy movement and humanitarian support for the hundreds of thousands of displaced Burmese, the US is a leader in supporting the struggle for democracy in Burma.

The only way the suffering of the Burmese can be relieved is through the achievement of a genuine transition to democracy. For forty years, military governments

in Burma have looted and bankrupted the country, systemically hunted down and decimated ethnic minority populations, and endorsed the use of rape against citizens as a tool of war. Aung San Suu Kyi and the NLD offer a credible and democratic alternative. We should support them in their efforts.

PROMOTING DEMOCRACY IN BURMA

During the year between Aung San Suu Kyi's release from house arrest in May 2002 and the attack on her and her convoy in May 2003, there was a marginal expansion of political space in Burma. Small as this opening was, it presented democracy activists with new opportunities. For example, the NLD was able to reopen nearly one hundred district- and township-level offices and the regime allowed for greater communication between ethnic political leaders and their NLD counterparts. The regime has now shut those offices and closed those channels. Citizens again now have no way to contribute openly to the political life of their country. However, pro-democracy activist groups, based within Burma and abroad, have well-established underground channels of communications that allow for effective work inside Burma even under extremely trying circumstances.

Burma's borders with Thailand, India, China, and Bangladesh are long and porous. The geographic periphery of Burma itself is a ring of ethnic nationality states that are ruled by ethno-military organizations, the vast majority of which are either openly hostile to or at the very least weary of the regime. These conditions make it virtually impossible for the junta to shut off all channels of communication between activists in exile and the people of Burma.

As of one the principal organizations supporting democracy in Burma, the National Endowment for Democracy has provided timely, critical financial assistance to Burmese democrats since 1990. The Endowment's Burma project has grown each year and now provides more than \$2.5 million to roughly 35 groups working to advance the goals of Burma's elected representatives; to strengthen unity and self-reliance among Burma's pro-democracy and ethnic groups; and to provide independent news and information.

Independent News and Information

Objective, accurate, and timely information is essential to combat the military junta's relentless disinformation campaign to discredit the pro-democracy movement, to sow distrust among the ethnic and pro-democracy groups, and to cover up its abysmal human rights record. The only newspapers legally available in Burma are the military junta-controlled official newspapers—Kyay Mon (The Mirror) and Nay Pyidaw (The Guardian) in Burmese, and MyanmarAhlin (The New Light of Myanmar) in English and Burmese—and the relatively new government-sanctioned Myanmar Times, published by an Australian national and reportedly close to Lt. General Khin Nyunt. All radio and television is state-controlled. Magazines, including business and economics magazines, are highly censored. Internet access is limited to all but a handful of SPDC generals and their cronies. Listeners or readers of banned material are subjected routinely to intimidation and sometimes harsh prison terms. Ethnic groups face particularly severe restrictions in the use of their own languages in public life.

Pro-democracy organizations based in Thailand, India and further abroad work to counteract the SPDC-controlled media and propaganda through radio, print media, and human rights reports. As the only Burmese-run independent media outlets in the world, these newspapers, radio stations and magazines also serve as a training ground for Burmese journalists who will be called upon to establish a free press in Burma after the transition to democracy.

Radio continues to be the most efficient and effective means of reaching sizeable audiences in Burma. The BBC, Radio Free Asia, Voice of America, and the Democratic Voice of Burma (DVB), a Burmese-run shortwave radio station, provide the people of Burma with independent and accurate Burmese-language news and information. The NED-funded DVB also broadcasts in a number of major ethnic languages, reaching important yet isolated communities.

Newspapers and magazines published in Thailand and distributed through underground networks inside Burma and along its borders reach tens of thousands of readers. The NED supports a number of print outlets, including a Burmese-language newspaper and an English-language monthly magazine that seek out and print a diversity of opinion and commentary about democracy as well as news about Burma. Even in the face of harsh measures to curb the circulation of the paper and magazine, demand continues to grow.

Burma is a human rights catastrophe. Recent reports by NED grantees have documented the use of rape as a weapon of war in the Shan States, religious persecution of Christians in the Chin State, forced labor in Mon State, displacement in

Karen State, and violation of women's rights throughout Burma. These groups work to inform the international community of the human rights conditions in Burma and to empower people in Burma to fight to protect their rights.

Institution Building Programs

Since 1962 when General Ne Win seized power, Burma has been ruled by military regimes that have decimated the country's civil society and destroyed its educational system. It is essential to develop and support alternative networks and organizations that can operate outside military control and begin to reconstruct basic elements of civil society. At present, this work must be supported through exile-based organizations with well-established links to the democracy movement inside Burma.

In line with Daw Aung San Suu Kyi's repeated calls for unity in the ranks of the pro-democracy movement, support should be directed at efforts that strengthen cooperation, coordination, and unity among the various ethnic, student, and pro-democracy groups. An expanded base of support for Aung San Suu Kyi will make it harder for the military to consolidate its control while continuing to ignore her repeated calls for national reconciliation and tripartite dialogue between the NLD, the military regime, and the ethnic forces.

Women's groups based in countries that border Burma have carried out a variety of training and education programs in recent years to increase awareness of democratic values and women's human rights, to address public health concerns such as HIV/AIDS awareness and maternal and child health practices, and to provide skills training in handicrafts and agriculture as a means to increase opportunities for income-generation and self-reliance among refugees and internally displaced women. In 1999, a coalition of these border-based women's groups joined forces to work to increase the participation of women in the struggle for democracy and human rights, build mutual understanding among all nationalities, actively participate in the national reconciliation and development process, and elevate the role of the women of Burma both at national and international levels.

The Endowment believes it is a priority to support the development of ethnic organizations so that they are better able to participate as equals in the discussions regarding the future political structure of Burma. Grants to ethnic nationality-based organizations allow them to solidify their core operations, reach more people through increased training programs, and distribute their literature to a wider audience. Assistance to ethnic groups will also complement the pro-democracy movement's efforts to build solidarity between the pro-democracy groups, most of whose members are ethnic Burmans, and the ethnic nationality forces.

Assistance should also be directed to border-based student and youth groups that work with counterparts inside the country to increase awareness of and respect for human rights and democracy through education workshops, foreign affairs training programs, and production and dissemination of materials. These dedicated students and other young peoples, who run great risks to remain in touch with and assist networks of democracy supporters throughout Burma, also disseminate the pro-democracy material of the larger movement.

Over the course of the past two years, Burmese pro-democracy organizations in exile, working in consultation with democrats inside the country, have dedicated greater attention and resources to researching and planning for a future democratic Burma. The Endowment has supported work in developing federal and state constitutions for a democratic Burma, drafting proposed labor laws, and drawing up plans for a transition to a market-based economy. Despite such efforts, transition planning is still in its infancy. Increased effort should be directed at a broad range of initiatives designed to address pressing issues that Burma will face following the transition to a democratic government. In collaboration with NGOs, think tanks, universities, and researchers, Burmese groups can develop policy alternatives with implementation plans that address issues such as education; health; the rule of law and reform of the judiciary; human rights and transitional justice; economics and public finance; agriculture; federal, state and municipal roles; energy, the environment, and natural resources; reconciliation and ethnic rights; peace building and civil society; and humanitarian needs.

Over the past 15 years, more than 10,000 university and secondary school students have left everything behind and fled Burma in order to carry on the struggle for democracy and human rights in their homeland. Those who remained in Burma, and those too young to have participated in the democracy uprising of 1988, have few opportunities: school supplies are scarce and out-of-date; teachers are poorly trained and paid; schools have been closed for extended periods on a seemingly regular basis; and students are seen as a threat to stability, not an asset to the country. Those students and pro-democracy activists whose educations were cut short when they went into exile have had few opportunities for education and training.

The more than 100,000 Burmese refugees in Thailand have little or no access to secondary education or skills-training opportunities.

The Endowment places a high priority on expanding opportunities for Burmese to receive training opportunities, whether as interns or as part of structured projects. The Endowment looks to support ethnic organizations as they work to improve their ability to resist the junta's efforts to destroy ethnic cultural cohesion by harshly punishing any use indigenous languages in local schools—a blatant violation of international human rights standards protecting indigenous cultures and languages. Ethnic leaders are painfully aware that primary education, even in Burmese, much less in ethnic languages, is severely inadequate in their enclaves. These leaders know that the current generation of youth must receive better educations if the leadership is to hold out any hope for a more prosperous life.

Despite the cease-fire agreements between ethnic groups and the government in the mid-1990s, people and groups inside Burma are as vulnerable as ever to the regime's abuses. Recent estimates put the number of internally displaced persons at more than 500,000. It may even exceed 1,200,000 out of a total population of about 46 million people. Efforts should be made to provide humanitarian relief through pro-democracy activist groups to non-combatant opponents of the military junta, especially ethnic minorities, women, and students, in order to encourage greater unity among those struggling for democracy, relieve the hardships suffered by displaced persons and victims of political repression, and strengthen self-reliance as a means of staving off exploitation.

CONCLUSION

The State Peace and Development Council rules Burma with an iron fist. The regime believes that it alone is responsible for maintaining unity and securing the peace in Burma. Although Burma experts often discuss splits in the military and divisions between the intelligence and army branches of the junta, the military seems fairly united. Absent some crushing event, the regime seems unlikely to turn on itself. But, if the regime is so secure in its position, why has it not been able to rid itself once and for all of the democracy movement?

The simple answer is because the democracy movement derives its strength from the people of Burma and is led by one of the world's most courageous, committed, and principled leaders. The democracy movement also draws strength from the international community. When international organizations such as the ILO take unprecedented steps to address forced labor abuses in Burma or when the US passes tough sanctions legislation, the effect is twofold—it punishes the regime for its behavior and bolsters the democracy movement, which has consistently urged governments around the world to avoid doing anything that will prop up the regime.

The organizations and projects that the Endowment supports have also made a significant contribution to the struggle for democracy and human rights in Burma. Through our grants program, we have supported a range of Burmese-, English- and ethnic-language independent media projects; internal labor- and student-organizing efforts; human rights education, advocacy and research; and coalition building among the various pro-democracy and ethnic forces. These groups are the lifeline to their colleagues inside Burma.

The regime is unlikely to negotiate in good faith with a partner whose principles and popularity makes it inherently a threat to the regime, but whom the regime believes lacks actual power. The NLD represents a real threat to the regime. The challenge is to continue to strengthen the NLD while weakening the regime so that any future dialogue will be between equals. Clearly, that is easier said than done. There is no easy answer to the challenge presented by Burma. Yet in one significant way the situation is very promising, for there is a peaceful and legitimate alternative to the regime. That alternative is Aung San Suu Kyi and her colleagues in the NLD—to this day the clear winner in the last free election to be held in this shackled land. They deserve our full and open support.

The United States should continue to pursue a strategy in Burma that combines punitive measures that target the regime while simultaneously supporting efforts to build a strong democratic alternative. Specifically, the United States Government should:

- (1) Continue to take a leading role in the international community to hold the Burmese generals responsible for their conduct.
- (2) Work with our allies in Asia—Japan and Thailand in particular—to ensure that their Burma policies reflect a strongly pro-democratic agenda.
- (3) Encourage the UN secretary general to become engaged on a sustained and personal basis. Specifically, the U.S. should work with the

United Nations to introduce democratic benchmarks, including the right of the NLD to open and staff offices, and to publish a newspaper. These benchmarks must include a specific timeframe for their implementation. The current UN-backed process, which has no enforcement mechanism, has run its course and should be scrapped.

(4) Work with our ally Thailand to ensure that it provides a safe and secure environment for nonviolent Burmese pro-democracy activists working in exile.

Thank you very much for giving me the opportunity to testify here today about this important topic and, more importantly, for your ongoing support of the work the NED does to promote democracy in Burma.

NATIONAL ENDOWMENT FOR DEMOCRACY (NED) FISCAL YEAR 2002 BURMA GRANTS,
FROM THE NED ANNUAL REPORT 2002

(*INDICATES FUNDING SOURCE OTHER THAN ANNUAL CONGRESSIONAL APPROPRIATION)

Because the Burmese junta has targeted the NED in the past for its support of the pro-democracy movement in Burma, the NED no longer publishes the names of recipient organizations in Burma.

(A) Capacity and Institution Building

\$60,000* To undertake a multifaceted legal research and education program to promote respect for human rights and the rule of law in Burma.

\$16,000 To support a capacity-building and leadership-training program for ethnic-nationality youth from Burma.

\$15,000 To support the third meeting of the Chin State Constitution Drafting Working Group and consultation with an international constitutional expert about the draft document.

\$80,000* To distribute human rights and democracy materials inside Burma; to train party activists in effective techniques of nonviolent political action; and to provide humanitarian support for party activists and others along the Thai-Burma border and inside Burma.

\$45,000 To be used towards core support and to support its national reconciliation and political solidarity program, which promotes unity among prodemocracy and ethnic forces in Burma; and to conduct basic political education training for grassroots activists from Burma.

International Republican Institute **\$200,000** To provide partial core funding and technical and strategic support for prodemocracy political organizations in exile and to increase cooperation with Burmese ethnic nationality groups.

International Republican Institute **\$260,000*** To provide specialized training to exiled Burmese political organizations and to provide support to prodemocracy organizations in exile that disseminate information in Burma about democracy and nonviolent political action.

(B) Education and Outreach

\$15,000 To distribute material on human rights and democracy, monitor the human rights situation in Burma, and educate monks and Buddhist laypeople about the nonviolent struggle for democracy in Burma.

\$68,307* To research, document, and publicize the treatment and status of political prisoners in Burma and to provide basic humanitarian assistance to political prisoners and their families in Burma.

\$380,000* To support the implementation of the Burmese prodemocracy movement's comprehensive strategic plan aimed at creating a political environment in Burma that is conducive to dialogue between the National League for Democracy and the Burmese military junta.

\$40,000* To conduct a series of leadership workshops for members; to hold capacity-building workshops for women along the Thai-Burma border; to publish a bi-monthly Burmese-language newsletter; and to maintain three small reading rooms.

\$40,000* To conduct an intensive training-of-trainers course; to implement human rights education and training courses for grassroots participants, including women and ethnic activists; to publish a Burmese-language human rights manual; and for core support.

\$50,000* To support a Bangkok-based foreign affairs office to conduct diplomatic activities in Southeast and East Asia in order to build international support for the democracy movement in Burma.

\$10,000 To educate, train, and empower Burmese women in exile in India to take a more active role in the prodemocracy struggle and to promote women's rights in Burma and among the exile community.

National Democratic Institute for International Affairs **\$112,502** To provide technical assistance to Burma's elected democratic leadership for a campaign to build international support for democracy in Burma among parliamentarians, governments, and political-party leaders worldwide.

(C) Humanitarian Assistance

\$10,000 To support training courses and workshops and to publish a bimonthly newsletter that highlights the plight of the internally displaced population.

\$40,000* To be used towards core support for an umbrella organization comprised of representatives from major prodemocracy and ethnic organizations, to enable it to coordinate health and education programs for refugee populations in Thailand and India and ethnic populations inside Burma.

(D) Information and Media

\$25,000* To publish and distribute an English-language bimonthly newsletter on the human rights situation in western Burma and to organize a two-week capacity-building training for forty human rights activists.

\$160,000* To support a twice-daily Burmese- and ethnic-language shortwave radio broadcast of independent news and opinion into Burma, and to strengthen the station's ethnic-language programming.

\$12,000* To publish and distribute two monthly human rights newsletters—one in English and one in an ethnic language—for the international community and for audiences in Burma and in exile in Thailand.

\$10,000 To conduct women's empowerment and capacity-building workshops for displaced women; to document and report on the situation of women in eastern Burma; and to provide basic social services for displaced women in Thailand and inside Burma.

\$40,000* To produce English-language human rights reports on conditions in southern Burma; to educate Mon inside Mon State about democracy and human rights; and to publish a bimonthly Mon-language newsletter and a monthly Mon-language newspaper for citizens in Mon State and for Mon refugees along the Thai-Burma border.

\$80,000* To publish a monthly English-language news magazine providing independent news and information about Burma and events in Southeast Asia, and to maintain a Burmese- and English-language Web site.

\$30,000* To conduct a series of women's rights and empowerment training workshops in Thailand and India for Burmese women of various ethnic groups.

\$12,000* To publish a twenty-eight-page monthly trilingual newsletter that serves as an alternative news source for readers in Burma, in refugee camps along the Thai-Burma border, and in exile in Thailand.

\$140,000* To publish and distribute inside Burma an independent monthly Burmese-language newspaper focusing on the struggle for human rights and democracy.

\$25,000 To write, edit, publish, and distribute a quadri-lingual monthly journal focusing on eastern Burma.

American Center for International Labor Solidarity **\$425,033*** To work from its Washington, DC, office to support the program of the independent labor movement in exile to educate workers and other citizens, both exiled and inside Burma, about labor rights and democracy, and to document violations of internationally recognized labor rights.

Senator BROWNBACK. Thank you very much, Mr. Joseph. I appreciate that testimony. We'll go to the next witness.

I would note to the people watching that the two pictures we have on the side are given to us by the Free Burma Coalition and the International Republican Institute, and one is of Suu Kyi at a rally, and the other is of a young man that was caught in the

crackdown. I think they show some of the scenes that were taking place in Burma.

Next is Mr. Kevin Burke; he is president and CEO of the American Apparel and Footwear Association. Thank you very much for joining us today.

**STATEMENT OF KEVIN BURKE, PRESIDENT AND CEO,
AMERICAN APPAREL AND FOOTWEAR ASSOCIATION**

Mr. BURKE. Thank you, Mr. Chairman, for having us here today and for the opportunity to testify before this subcommittee on what I consider a very, very crucial matter.

I am the president and chief executive officer of the American Apparel and Footwear Association (AAFA), the national trade association in the apparel and nonrubber footwear industries. Our association represents nearly 700 large and small companies who produce and market clothing and shoes in the United States and throughout the world. We also represent many of the suppliers to our industry.

First and foremost, the members of AAFA strongly support trade sanctions against the ruling military junta in Burma and, in particular, applaud the Senate's actions last week in approving 97-to-1 the legislation introduced by Senators McConnell and Feinstein and joined by 60 of their colleagues. This legislation will ban all United States imports from Burma until the President of the United States can certify that Burma has taken significant and positive steps toward democracy and improved human rights for all of its people.

AAFA hopes that this legislation will be part of a multilateral process that will ultimately involve more pressure from the United Nations and others in the international community.

Now, you might ask why our association and its members would support a ban on United States imports from Burma. Now, there are many reasons for this, but I will speak of only two today. Our association cares very deeply about labor and human rights. These issues are some of the most important factors our member companies consider when choosing a company or a factory to make their shoes or garments. If a country or factory has the ability to make high quality garments or footwear, but we are not satisfied with the labor or human rights situation, we will avoid these countries and we will avoid these factories.

At the request of our members, AAFA has embraced labor rights, human rights, and social responsibility not only in principle, Mr. Chairman, but also in practice. Corporate social responsibility represents one of the central tenets of AAFA's mission statement and its trade policy.

Now, AAFA has followed through on this commitment with concrete actions, of which our stand on Burma is just one of many. For example, AAFA has strongly supported the Worldwide Responsible Apparel Production program, otherwise known as WRAP. WRAP promotes a code of conduct that ensures that core labor concepts, including a minimum age and a prohibition against forced labor, are understood and practiced in the shop room floor and also by management. WRAP relies upon independent third-party monitors to certify that individual overseas factories are in compliance with

WRAP's code of conduct. Many AAFA members subscribe to WRAP and other similar codes of conduct that are certified by independent organizations.

We have also created a forum for our members so our members can discuss best practices in corporate social responsibilities through our Social Responsibility Committee. I had the honor of presenting this past week our Excellence in Social Responsibility awards, which I'm holding here today—I brought this as an example—to members of our association who in our view and an independent view have excelled in this area, demonstrating their support of labor and human rights in the workforce. We do this every year, and we are certainly hopeful that our members will increase their participation in this program.

This brings me to my second point. Our association felt it was time to take one step further our commitment to corporate social responsibility with respect to Burma. Two years ago, due to persistent and egregious violations of ILO conventions on forced labor, child labor, and the overall abhorrent labor situation in Burma, the ILO took the unprecedented step of calling for its member countries to take concrete actions, including economic sanctions against the military regime in Burma.

Most countries failed to heed this call. Many of our members, however, did heed the call and publicly pledged to stop sourcing from Burma. Since the ILO took this position, little, if any, progress has been made in Burma. Abuses of labor and human rights are still rife throughout the country.

According to the United States Government's own report on this subject, the recently released 2002 Country Report on Human Rights Practices in Burma, the Burmese Government has, and I quote, continued to restrict workers' rights, ban unions, and use forced labor for public works and for the support of military garrisons. Other forced labor, including child labor, remains a serious problem despite recent ordinances outlawing the practices, unquote. In fact, the situation has deteriorated, with the economy in ruins and human rights abuses rampant, due largely to the inept and corrupt policies and practices of Burma's military rulers. Thanks in large part to the efforts of AAFA's members and other responsible companies in this industry, United States apparel imports have declined significantly from Burma in the last couple of years.

Now, despite this decline, United States total imports from Burma still reached \$360 million last year, with United States imports of Burmese apparel, textiles, and footwear accounting for 85 percent of that total. This money helps prop up the military regime because, in our understanding, many of the apparel and footwear factories are owned by supporters of the military junta who have directly benefited from the junta's forced labor infrastructure projects and its nonexistent enforcement of labor laws. The military junta would not exist without the support of these thugs and their cronies.

Our association and its members realize that the only way to implement effective change at the factory level in Burma is to effectively change the government at the national level. Without effective democratic reform and protection of basic human rights at the

national level, flagrant labor rights violations will continue to run rampant at the factory level.

AAFA and its members cannot make this change alone. We feel that it is time not only for our association but for the United States Government to take a stand that it will no longer tolerate or support the actions of the military regime in Burma. The most effective and the only way to do this is to impose an outright ban on all United States imports from Burma.

As the events of the last few weeks have proven, words alone have failed to effect positive change in Burma. Decisive actions through the imposition of new sanctions is the only route available. This is the right thing for our association, this is the right thing for our Government, and for all other governments around the world who hold dear the dignity and respect of all human beings. Mr. Chairman, thank you for the opportunity to be here this afternoon, and I look forward to any questions you might have.

[The prepared statement of Mr. Burke follows:]

PREPARED STATEMENT OF KEVIN M. BURKE

Thank you for the opportunity to testify before the Subcommittee today on this important matter. I am the President and Chief Executive Officer of the American Apparel & Footwear Association—the national trade association of the apparel and non-rubber footwear industries. Our association represents nearly 700 large and small companies who produce and market clothing and shoes in the United States and throughout the world. We also represent many of the suppliers to these industries.

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We have also created a forum where our members can discuss "best practices" in corporate social responsibility, through AAFA's Social Responsibility Committee. I had the honor of presenting last week our "Excellence in Social Responsibility" awards, which I am holding here today, to members of our association who have

excelled in this area, demonstrating their support of labor and human rights in the workplace.

This brings me to my second point. Our association felt it was time to take one step further our commitment to corporate social responsibility with respect to Burma. Two years ago, due to persistent and egregious violations of ILO conventions on forced labor, child labor and the overall abhorrent labor situation in Burma, the ILO took the unprecedented step of calling for its member countries to take concrete actions, including economic sanctions, against the military regime in Burma. Most countries failed to heed this call. Many of our members, however, did heed the call and publicly pledged to stop sourcing from Burma.

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Thank you.

Senator BROWNBACK. Thank you, and thank you for the testimony. With your association being so opposed to exports or imports from Burma to the United States, why are we still importing so much from Burma, footwear and clothing?

Mr. BURKE. These are unfortunately contractors who make garments, and hopefully they're not my members, and I believe most of my members have pulled out already. These are what I would call black marketeers. I would certainly hope that if there are any of my members that are over there, they would be out right away, but we as an association have made a very, very strong stand against the import of these products. It is the right thing for us to do.

Senator BROWNBACK. You're talking about, if I've got your numbers right, about \$288 million worth of clothing and footwear coming into this country from Burma?

Mr. BURKE. That is correct.

Senator BROWNBACK. By black marketeers?

Mr. BURKE. And contractors that have no respect for human rights.

Now, our association, Senator, made a statement that said that we will not support any companies or contractors who produce in Burma. Now, we can't control what these companies do. We can only insist that we take the right stand on this. As an association we really have no legal control on what they do. We can simply make a statement on behalf of the industry that you ought to be out.

Senator BROWNBACK. I appreciate the push, and I appreciate your stance on behalf of your industry. I just did not realize the number was quite that high.

Mr. BURKE. I wish it wasn't that high. I wish it was at zero.

Senator BROWNBACK. I do, too, or that the regime would change.

Mr. Rogers, good to have you here, Kenneth Rogers, Associate Dean of International Programs, Director of International Services (Emeritus), Indiana University. Welcome.

STATEMENT OF KENNETH ROGERS, ASSOCIATE DEAN OF INTERNATIONAL PROGRAMS AND DIRECTOR OF INTERNATIONAL SERVICES (EMERITUS), INDIANA UNIVERSITY

Mr. ROGERS. Mr. Chairman, it's an honor to have been invited to offer an international educator's perspective on the current situation in Burma, and to suggest several ways in which both the United States and other nations which share a common concern about Burma's future might help to ensure that some of the country's most important needs in democratic institution-building, health and human services, especially education, and economic development, might be addressed early on and with optimum results.

Very briefly, in my testimony I propose to focus on the roles that exiles, and more particularly Burmese students in the United States and elsewhere abroad, might play in helping to rehabilitate their beloved homeland. As a preface on student involvement in popular political reform movements in Burma, I would just mention that college and university students have long been at the forefront of popular movements in Burma.

During the final decades of British rule, Rangoon University students came of age, advocating first self-government, then independence for Burma. The heroic leadership of former Rangoon University student leader Aung San—whose astute efforts won the promise of independence and of a bright future for his country, only to be halted by an assassin's bullet in 1947—has been an inspiration to generations of young Burmese ever since. Among them his example has galvanized opposition and resistance to the brutal repression of military regimes that have ruled the country for the last 41 years.

College and university students are therefore proudly regarded by Burmese at-large not only as champions of freedom and democracy, but also as a precious resource for restoring democracy and the nation's economic health.

My own personal and professional involvement with Burma and with Burmese students dates from 1962, the year in which I began a 4-year assignment with the United States Information Service as a Foreign Service Officer in Burma. My involvement with Burmese

students again came to the fore in the early 1990s, when I was contacted by colleagues in the city of Fort Wayne, Indiana, to work with them in assisting newly-arrived refugee students from Burma. I will quickly jump to the present to say that there are now in the State of Indiana alone more than 3,000 refugees from Burma, most of them former students, pro-democracy activists. Happily, some have been able to go forward with their education, but I will come back to that.

I am especially pleased, too, that in the same period since 1993, Indiana University has administered the State Department-funded Burmese refugee scholarship program for the Bureau of Educational and Cultural Affairs. This program has made possible the completion of higher education degrees for more than 60 scholars and professionals from Burma, and has placed them at institutions throughout the United States.

Ten years of working with Burmese student exiles have led me to the conclusion that, individually and as a group, they are capable of contributing vitally important knowledge and experience to the process of moving their homeland toward democracy, as well as to the economic and social advancement of their fellow countrymen and women. But the extent to which they will be able to do so with maximum success is going to depend, in my opinion, upon adequate preparation in advance of their return home and, in particular, a grounding in practical Burma-specific methods or strategies for bringing about needed changes or reforms of existing structures, policies, and practices in the Burmese educational system.

In attempting to determine the kinds of advanced preparation that Burmese students who have been educated abroad will need in order to avoid pitfalls and problems that, once they return to their homeland could easily frustrate or even defeat their efforts to revitalize the educational system and other elements of the nation's infrastructure, we should not only heed realities of the current situation in Burma, but also those that foreign-educated students from developing countries beyond Burma have encountered.

Let me briefly elaborate. Within Burma, the system of education, long-impooverished and in disrepair, has become practically dysfunctional. United Nations' statistics indicate that the Burmese military government spends only 1.1 percent of gross domestic product on education. Education at the tertiary level has been totally and systematically emasculated by the military regime, which regards university students with suspicion, if not hostility, as enemies of the government.

To deter dissident students from organizing anti-government demonstrations, Burma's military rulers have ruthlessly shut down institutions of higher education for years at a time, and have even relocated the campuses of some of them to remote areas away from population centers. On the other hand, they have shortened the academic year to 4 months in some fields of study.

As of the year 2001, the nation's universities had been open for only 3 of the previous 12 years, thereby creating enormous backlogs of waiting students, including an estimated 5 million high school graduates kept in limbo for years waiting for admission to universities, while on the other hand tens of thousands of university

matriculants were waiting for institutions to reopen so that they could get on with completing their degrees.

The situation is pretty grim. I think, in conclusion, what we need to do is take note of the situation that returnees have faced in Afghanistan and Iraq, post-Taliban Afghanistan and post-Saddam Iraq, and take steps to help the Burmese students who are abroad now who have acquired knowledge and have skills that can be used in the rehabilitation of their home country, to give them the opportunity to organize and prepare to help make that transition as smooth as possible.

Thank you, Mr. Chairman.

Senator BROWNBACK. Thank you very much, Mr. Rogers, and that's a very thoughtful point. I did not realize that they had completely shut down higher education, although it almost stands to reason that this regime would do something like that, as deplorable as it is, and as much as it absolutely mortgages your future if you don't have students coming forward that are well-trained to be able to serve the people and serve society.

Ms. Veronika Martin is an advocate for Refugees International. We're delighted to have you here with us today.

**STATEMENT OF VERONIKA MARTIN, ADVOCATE,
REFUGEES INTERNATIONAL**

Ms. MARTIN. Thank you, Mr. Chairman. I would like to thank Senator Brownback and Senator Lugar also for organizing this hearing, and I would like to thank the Senate for its overwhelming support for the people of Burma by passing the Burma Freedom and Democracy Act. Having worked with ethnic Burmese for more than 10 years, I'm honored to offer testimony on behalf of Refugees International.

Over the last 8 months, RI has conducted two assessment missions focused on the human rights and humanitarian situation of Burma's ethnic minorities. My testimony will focus on two issues, first, the prevalence of rape by Burma's army against ethnic minority women, and second, protection problems facing Burmese refugees before and after their flight to neighboring Thailand or to Bangladesh.

Refugees International's investigation on human rights violations against women and girls documented the widespread use of rape by Burmese soldiers to brutalize women from five different ethnic nationalities on Burma's eastern border. Additional informal research completed on RI's recent visit to the western border points to a similar pattern.

RI conducted interviews with women from the Karen, Karenni, Mon, Shan, and Tavoyan ethnicities. In the course of 26 individual interviews with women and men and two focus groups, RI learned of 43 cases of rape or attempted rape, with 23 of those confirmed through eyewitness testimony or physical evidence. In about one-third of the cases, the confirmed cases, the abusers raped the women on military property, and in over one-third of the confirmed cases he was an officer in Burma's army.

Rape happened in a variety of circumstances, during forced labor assignments, while foraging and farming, during incarceration in military camps, and by intrusion into families' homes.

The specific rapes RI documented are but a fraction of those perpetrated by Burma's army. Of the 45 ethnic women who participated in RI focus groups, 75 percent said they knew someone who had been raped. It is clear that rape and increased militarization go hand in hand. There is also a direct connection between rape and migration. Many women flee Burma either because they have been raped, or because they fear being raped.

Rape also occurs while women are in flight. As an example, I want to share with you the story of Thay Yu. Thay Yu is Karen mother in her forties who was fleeing to Thailand because of oppression by the military in her village.

Near the border of Thailand, a group of six Burmese soldiers caught one of the families traveling with her. It was a family of four composed of parents, a nursing baby, and a 6-year-old girl. Thay Yu hid in a nearby bush while soldiers killed the baby with a blow to the back of the neck. They then raped the mother, while forcing the husband to watch. After killing the mother by stabbing her through her vagina with a bamboo pole, they shot the husband. The 6-year-old daughter ran away and hid in a tree, where Thay Yu collected her and brought her to Thailand after burying the bodies of her parents. This gruesome story is one of many we documented.

Widespread rape and human rights abuses against ethnic minorities are committed with impunity. The culture of impunity contributes to a military atmosphere in which rape is permissible. In only two of the 43 cases RI documented were the perpetrators punished. These punishments were extremely lenient.

Because the SPDC and, by extension, its army view the ethnic minority groups as insurgents, their rape of ethnic women is a way of waging war on the civilian populations. By engaging in a widespread practice of rape against ethnic minority women, Burma's army is violating customary international law as well as both national laws and international obligations under the multilateral treaties it has ratified.

The SPDC has denounced reports about rape issued by local human rights groups, the U.S. Department of State, and RI. They have concluded that such reports were fabricated. RI's research tells a different story. These rapes are not a deviation committed by rebel soldiers. They are part of a pattern of abuse designed to control, terrorize, and harm ethnic populations through their women.

RI recommends that the SPDC stop military buildup and begin demilitarizing the ethnic areas. The SPDC should further fulfill its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child, both of which it ratified.

The support of 33 United States Senators in signing a letter to Kofi Annan last year calling for an investigation into the rapes, as well as the United States Department of State's own verification of the problem of rape in Burma, have demonstrated significant support. The U.S. Congress, and particularly the Senate, can continue to play a leading role by publicizing human rights abuses committed by the regime and continuing to put pressure on the SPDC.

I would now like to move the focus of this testimony on protection problems faced by Burmese refugees and internally displaced persons in ethnic minority areas. I have divided this testimony into two parts. Each part reviews the situation of ethnic Burmese before and after their flight to Thailand or to Bangladesh.

RI has interviewed refugees who fled Burma's eastern and western borders from the following eight ethnic groups. These include the Karen, Karenni, Shan, Mon, Tavoyan, Rohingya, Rakhaing, and Chin. These groups represent Buddhist, Christian, and Muslim individuals.

To discuss the human rights situation in eastern Burma, I'd like to share with you a remark made by an older man from the Mon ethnic group. He told me, they, referring to the SPDC, treated me like an animal, like a dog. They broke my head until blood streamed out. My jaws, cheeks, and ribs were broken. The SPDC can do what they like. They can kill and rape. We are weaker than they.

Refugees in Thailand indicated they had fled from their homes because they could no longer endure abuses such as forced labor, torture, forced relocation, rape, property and crop confiscation, and summary executions. One Burmese army defector interviewed by RI described the instructions given to him by his superior, who told him, in the front line, everything in the village of the ethnic groups is yours, women, domestic animals, you are free to do anything you want. You can even do so if you have a wife at home.

Forced relocation is another form of abuse affecting hundreds of thousands of Burmese. Villages are evacuated or destroyed, its people forced to move to an area overseen by the army. Relocation sites are devoid of schools and health care.

There are 176 sites that house 350,000 people and an estimated 300,000 are on the run or in hiding in Thailand. It is estimated there are a million internally displaced persons living in eastern Burma. They have practically no access to humanitarian assistance. What little information is available from these areas indicates that malnutrition, starvation, and death from preventable diseases are common.

The SPDC denies their existence. No U.N. agency or international organization has come to their aid. The internally displaced of Burma have for the most part been abandoned by the United Nations and by the international community, who insist on the permission of an illegitimate regime to access this population in need of life-saving humanitarian assistance.

In conclusion, I want to refer to our recommendations. To address the needs of these forgotten people, RI recommends that international organizations push for independent access to these IDPs for emergency assistance, that the Royal Thai Government allow Burmese fleeing a well-founded fear of persecution entry into Thailand and access to humanitarian assistance, and that the Royal Thai Government should also allow the UNHCR to carry out its refugee protection mandate.

The United States Government can play a leading role in encouraging the cooperation of Thailand, Burma, and the United Nations in meeting these objectives by confirming publicly the scope of Burma's IDP problem, advocating for independent humanitarian access

to ethnic minority areas, and providing resources for emergency assistance to IDPs. I will refer you to our written testimony on more information about abuses of Burmese refugees in Thailand, as well as the situation of the Muslim Rohingya from Burma who have fled to Bangladesh.

Thank you for the opportunity to share our findings.
[The prepared statement of Ms. Martin follows:]

PREPARED STATEMENT OF VERONIKA A. MARTIN

I would like to thank Senator Richard Lugar and Senator Sam Brownback for organizing this hearing on the development of democracy in Burma. I would also like to thank the Senate for its overwhelming support for the people of Burma by passing the Burmese Freedom and Democracy Act of 2003.

Having worked with ethnic Burmese for more than 10 years, I am honored to offer testimony on behalf of Refugees International (*RI*). Over the last eight months, *RI* has conducted two assessment missions focused on the human rights and humanitarian situation of Burmese ethnic minorities. My testimony will focus on two issues: first, the prevalence of rape by Burma's army against ethnic minority women in Burma; second, protection problems facing Burmese refugees before and after their flight to neighboring Thailand and Bangladesh.

Rape of Ethnic Minority Women

According to Burma's ruling military regime, the State Peace and Development Council (SPDC), Burma's army "safeguards national solidarity and peace." According to women and men from Burma's ethnic minority groups, particularly those living in the ethnic States along Burma's eastern and western borders, the army does the opposite. Rather than look to the army for protection, ethnic people flee in fear at the sight of a soldier. Refugees International's investigation on human rights violations against women and girls documented the widespread use of rape by Burma's soldiers to brutalize women from five different ethnic nationalities on Burma's eastern border. Additional informal research completed on *RI*'s recent visit to the western border points to a similar pattern.

Although rape by soldiers in Burma has been a well-known, well-documented problem for at least a decade, a report by the Shan Women's Action Network (SWAN) and Shan Human Rights Foundation (SHRF), *License to Rape*, inspired an unprecedented level of international interest and outrage regarding the rapes of women from only one ethnic group. *RI*'s research crossed ethnic boundaries to confirm that Burma's military frequently rapes women from various ethnic nationalities.

RI conducted interviews with individuals and focus groups of people living in refugee camps, in villages in Thailand and with people still living inside Burma. *RI* interviewed women, men, indigenous NGOs and local leaders about sexual violence committed by Burma's armed forces against women from the Karen, Karenni, Mon, Shan and Tavoyan ethnicities. In the course of 26 individual interviews with women and men and two focus groups composed of 45 women, *RI* learned about numerous instances of rape against ethnic women: specifically, 43 cases of rape or attempted rape against women from these ethnic groups, with 23 of those confirmed through eyewitness testimony or physical evidence. In about one-third of the confirmed cases, the abuser raped the women on military property, and in over one-third of the confirmed cases, he was an officer in Burma's army. Rape happened in a variety of circumstances: during incarceration in military camps, during forced labor assignments, while foraging and farming and by intrusions into families' homes.

The specific rapes *RI* documented are but a fraction of those perpetrated by Burma's army. Every one of the 45 ethnic women who participated in the *RI* focus groups said she had heard about rapes occurring in her area of origin, and 75 percent said they knew someone who had been raped. It is clear that rape and increased militarization go hand-in-hand; when more soldiers are sent to an area, typically more rape occurs. It is significant that rape occurs on military property because even in those cases where the officer wasn't the one to commit the rape, he knew or should have known about it. In the vast majority of the cases, the rapes occurred in conjunction with other human rights abuses, such as forced labor, forced relocation, forced portering, torture, and extrajudicial executions. Furthermore, there is a direct connection between rape and migration. Many women flee Burma either because they have been raped, or because they fear being raped. Rape also occurs while women are in flight.

As an example of the dangers women face while trying to reach safety in Thailand, I want to share with you the story of Thay Yu. Thay Yu is a Karen mother in her forties who was fleeing to Thailand because of oppression by the military in her village. Near the border of Thailand, a group of six Burmese soldiers caught one of the families traveling with her. It was a family of four, composed of parents, a nursing baby and a six-year-old girl. Thay Yu hid in a nearby bush and while soldiers killed the baby with a blow to the back of the neck, then raped the mother while forcing the husband to watch. After killing the mother by stabbing her through her vagina with a bamboo pole, they shot the husband. The six-year-old daughter ran away and hid in a tree, where Thay Yu collected her and brought her to Thailand after burying the bodies of her parents. This gruesome story is one of many we documented. The treatment of ethnic minorities by SPDC soldiers is inhumane beyond description.

Widespread rape and human rights abuses against ethnic minorities are committed with impunity, both by officers and lower ranking soldiers. Officers committed the majority of rapes documented in which the rank of the perpetrator was known. The culture of impunity contributes to the military atmosphere in which rape is permissible. It also leads to the conclusion that the system for protecting civilians is faulty, which in turn suggests the rape is systematic. Due to the well-known impunity for rape, survivors and families are extremely reluctant to complain about rape. In the rare cases where victims or their families actually do complain to military officials, army personnel often respond with violence. In only two of the 43 cases *RI* documented were the perpetrators punished—these punishments were extremely lenient, such as the payment of 1000 Kyat or the equivalent of one US dollar.

As an example of the impunity granted soldiers I want to share the story of Naw Mu Doh who told us she saw soldiers take her sister away from their home and transport her to their military camp. She heard her sister calling for her brother and father to help her because “they are raping me.” They could do nothing to help her. A day after her sister was taken, the soldiers brought her body back for the family to bury. Her wounds indicated clearly that she had been raped, perhaps to death. Despite the fact that the soldiers continued to return to their village after the murder, Naw Mu Doh and her family were too afraid to complain. One month later, her father was killed by the army.

According to *RI*'s conversations with more than 150 people along the Thai/Burmese border over the period of one month, *RI*'s research indicates that women from ethnic groups along Burma's eastern border experience rape at the hands of Burma's army on a consistent and frequent basis. Because the SPDC, and by extension, its army, view the ethnic minority groups as “insurgents,” their rape of ethnic women is a way of waging war on civilian populations. By engaging in the widespread practice of rape against ethnic minority women, Burma's army, (an arm of the State), is violating customary international law as well as both national laws and international obligations under multilateral treaties. These treaties include the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child, both of which the SPDC has ratified. In doing so, the SPDC agreed not only to ensure that their activities did not contravene the letter or spirit of the treaty; they also agreed to take affirmative steps to realize the commitments enumerated in the treaty. By permitting—either actively or tacitly—Burma's army to rape ethnic women with impunity, the SPDC violates these agreements.

The SPDC has denounced reports about rape issued by ethnic women's and local human rights groups, the US Department of State and *RI*. They have conducted their own investigation in Shan State (with the active participation of SPDC general Khin Nyunt's wife), which has led them to conclude that such reports were fabricated. *RI*'s research tells a different story. These rapes are not a deviation committed by rebel soldiers; they are part of a pattern of brutal abuse designed to control, terrorize, and harm ethnic nationality populations through their women.

On November 19, 2002, the United Nations General Assembly adopted by consensus a resolution on the human rights situation in Burma, “express[ing] grave concern at . . . rapes and other forms of sexual violence carried out by members of the armed forces” and the “disproportionate suffering of members of ethnic minorities, women and children from such violations.” It is clear these abuses are directly linked to the internal war the SPDC is waging upon its own citizens. Until the violence ceases, and until the SPDC establishes and enforces adequate laws prohibiting rape and ends the culture of impunity for these horrific crimes, freedom from rape for ethnic women from Burma is impossible.

Recommendations

For there to be any change, the SPDC must first acknowledge the epidemic of rape perpetrated by its army before this can change. *RI* further recommends that SPDC stop all military buildup and begin demilitarizing the ethnic areas promptly. The SPDC should further fulfill its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This includes ceasing all practices and policies, which discriminate against women, including violence against women. Furthermore, the SPDC should fulfill its obligations under the Convention on the Rights of the Child, which prohibits gender-based violence against girl children.

The UN High Commissioner for Human Rights should ensure that if any investigation of rape inside Burma should be conducted by UN officials, it is done by experts on sexual violence, with guarantees of full access and complete, ongoing security for all witnesses and victims. Any restrictions on these terms could endanger the very women the investigation is designed to protect and should result in the investigation not taking place, or being aborted.

The support of 33 U.S. Senators in signing a letter to Kofi Annan calling for an investigation into the rapes, as well as the United States Department of State's own verification of the problem of rape in Burma, have demonstrated significant support. The U.S. Congress, and in particular the Senate, can continue to play a leading role by publicizing human rights abuses committed by the regime and continuing to put pressure on the SPDC and the United Nations to meet the aforementioned objectives.

Protection problems facing Burmese refugees before and after their flight to neighboring Thailand and Bangladesh

I would now like to focus this testimony on protection problems faced by Burmese refugees and Internally Displaced Persons (IDPs) in ethnic minority areas. I have divided this testimony into two parts. Each part reviews the situation of ethnic Burmese before and after their flight to Thailand and to Bangladesh.

RI has interviewed refugees who have fled the eastern and western borders of Burma for reasons of abuse or because of a well-founded fear of persecution by the government from the following eight ethnic groups: Karen, Karenni, Shan, Mon, Tavoyan, Rohingya, Rakhaing and Chin. These groups represent Buddhist, Christian and Muslim individuals.

Human Rights Situation in Eastern Burma Prior to Flight to Thailand

"They treated me like an animal, like a dog. They broke my head until blood streamed out. My jaw, cheeks and ribs were broken—the SPDC can do what they like—they can kill and rape. We are weaker than they." These are the words of an older man from the Mon ethnic group whom we interviewed.

Refugees interviewed by *RI* in Thailand indicated they had fled from their homes because they could no longer endure the human rights abuses by the army. Among those consistently listed were forced labor, beatings and torture, forced relocation, rape, property and crop confiscation and summary execution. One Burmese army defector interviewed by *RI* described the instructions given to him by his superiors: "In the frontline, everything in the village of the ethnic groups is yours—women, domestic animals. You are free to do anything you want. . . . you can do so even if you have a wife at home in your village."

Other forms of abuse consistently levied against ethnic Burmese fleeing to Thailand are a result of Burma's worsening economy and 50 percent inflation. These include forced labor, land confiscation, taxation, extortion and rice quotas that interfere with people's ability to provide for themselves.

Some of the most common forms of abuses occurring in eastern Burma are forced relocation and its attendant forced labor. Forced relocation involves the often-sudden evacuation or destruction of a village and forced move of all available villagers to a relocation site overseen by the army. Evacuated areas are considered "free fire zones" where individuals found there may be shot on site. Individuals are then moved to relocation sites, settlements devoid of basic infrastructure that hold ethnic people hostage to forced labor and abuse. Relocation sites have been likened to concentration camps. Since 1996, when the government began to implement a stronger counter-insurgency plan, 176 relocation sites have been documented, housing more than 350,000 people. An estimated additional 300,000 individuals have chosen to live on the run and in hiding, rather than move to these sites.

In total, it is estimated that there are one million Internally Displaced Persons (IDPs) living in eastern Burma. Most are unable to plant and harvest. With practically no access to humanitarian assistance, reports of malnutrition, starvation and death from preventable diseases—to the extent any information is available at all—

abound. Yet despite documentation of their existence and circumstances, no UN agency and no international NGO has come to the aid of this population. They have in effect been abandoned by the United Nations and by the international community. Only small covert efforts conducted over the border have been able to address some of the emergency needs of these populations.

The complete lack of security and access to fundamental goods and services, including healthcare and education, as well as the frequent subjection to violent human rights abuses, have caused many ethnic people from these areas to undergo the dangerous journey across militarized and mined areas to enter Thailand. Despite the risk of denial of entry at the border by some authorities—an act in violation of customary international law—Burmese continue to flee to neighboring countries at the rate of three to four thousand per month. Many do so only as a last resort, having heard that Thailand may deny them entry at the border, deny entrance into refugee camps or subject them to abuses as so called “illegal migrants.” Despite Thailand’s attempts to deter Burmese from entering, there continues to be an increase in asylum seekers over the past year suggesting that human rights abuses, if not increasing, are certainly continuing, as the military struggles for total control of ethnic areas.

Recommendations

To address the needs of these forgotten people *RI* recommends that international organizations push for independent access to these IDPs for emergency assistance. To ensure that those fleeing human rights abuses or a well-founded fear of them can reach safety *RI* recommends that the Royal Thai Government allow Burmese fleeing a well-founded fear of persecution, not “fighting” as the current criteria define, entry into Thailand and access to humanitarian assistance. The Royal Thai Government should also allow the UNHCR to carry out its refugee protection mandate, which it has been unable to implement appropriately.

The United States Government can play a leading role in encouraging the cooperation of Thailand, Burma and the United Nations in meeting these objectives by confirming publicly the scope of Burma’s IDP problem, advocating for humanitarian access to ethnic minority areas and providing resources for emergency assistance to affected populations.

Protection of Burmese Refugees in Thailand—The Role of the Royal Thai Government and the UNHCR

Only a tiny fraction of Burmese who have entered Thailand since 1984, approximately 120,000 people, have been permitted to live in refugee camps. Burmese seeking refuge in Thailand, primarily ethnic minorities from eastern Burma, have had no access to a status determination process for almost two years, and thus, no access to refugee camps or protection and care. As a result, Burmese enter Thailand as part of the growing “illegal migrant” population. Their presence marks the largest migration flow in Southeast Asia, burdening neighboring Thailand with an estimated two million Burmese seeking either a safe haven from human rights abuses and persecution or the opportunity to survive and earn a living, or both. The Royal Thai Government classifies all Burmese now entering Thailand as “illegal migrants.” This misnomer leaves them vulnerable to exploitation and forced relocation back to Burma. Legitimate asylum seekers are forced to live in limbo on the margins of Thai society either along the border or in urban centers.

Life as an illegal migrant often exposes Burmese to abuse and exploitation. This is especially true for women who are trafficked or sexually exploited at the hands of Thai authorities. Vulnerable individuals such as single mothers, elderly, handicapped or the ill have little option but to live on construction sites, in fruit orchards, or to work as domestic help with limited or no access to healthcare or education for themselves or their children and practically no legal redress should they suffer abuses. Abuses by Thais against Burmese are common. In one recent incident in May, six “illegal migrants” were shot and burned with the involvement of Thai officials. To date, no one has been held accountable.

The Royal Thai Government has invited United Nations High Commissioner for Refugees (UNHCR) to have an extremely limited role in Thailand. This limits the UNHCR’s ability to protect Burmese refugees from classic refugee rights violations such as refoulement, denial of entry at the border and unscreened deportations of Burmese who are not in camps, but have legitimate asylum claims. UNHCR has also been unable to advocate for guarantees that incoming Burmese be allowed to enter camps, leaving new arrivals unprotected. Third country resettlement is virtually non-existent, at the request of the Royal Thai Government.

An example of UNHCR’s inability to protect legitimate refugees is reflected in the case of the Shan people. Since 1996, the Burmese army has forcibly relocated over

300,000 villagers in Shan State, resulting in a mass exodus to Thailand. Furthermore, the Burmese army's use of forced relocation, forced labor and its accompanying human rights abuses including rape, have resulted in over 1,000 new Shan arrivals per month to only one district in Thailand. Credible estimates place the number of Shan refuge seekers in Thailand at well over 150,000. The Royal Thai Government, however, has not organized refugee camps for the Shan, and UNHCR has been unable to push for any protection or assistance for this group.

To make matters worse, rather than advocate for the Shan as legitimate refugees, UNHCR classifies Shan people and other non-camp based Burmese as illegal migrants without conducting any status determinations. Because there is no admissions process for them to undergo and no camps to house them, they have no choice but to live as illegal migrants. No schools are available for the children and health care is difficult to obtain. Shan women, many of whom have suffered from rape and other gender-based abuses, are particularly at risk of further exploitation. As one Shan refugee stated, "It is worse for the woman because she has no protection, and this is especially true if she has mental or physical problems; generally, there is more problem for her survival."

Interviews which I conducted while living in Thailand previously, with individuals who were forced back to Burma and subsequently escaped detention indicate that persecution is common not only for those accused of links to resistance groups (such as refugees) but those accused of having engaged in labor union activities in factories in Thailand. This makes it imperative that UNHCR have a presence at deportation sites so that individuals with legitimate claims of persecution if they are returned to Burma, can be entitled to certain basic protections in Thailand. It is critical that the distinction be made between those fleeing a well founded fear of persecution or human rights violations, including those violations that cause extreme poverty and people motivated only by economic opportunity in Thailand.

Recommendations

In order to ensure the protection of Burmese in Thailand, *RI* recommends that the Royal Thai Government (RTG) establish a legitimate status determination process for Burmese "illegal migrants" and allow protection and assistance to Burmese fleeing a fear of persecution and human rights abuses. Burmese identified as fleeing a fear of persecution would be protected by international human rights principles and international customary law. This should also apply to the Shan people. Furthermore, it is also critical that Burmese about to be deported for being "illegal migrants" have the opportunity to make a claim for asylum as internationally accepted principles of non-refoulement would prescribe. The UNHCR should work with the Royal Thai Government to put in place a procedure to assess the eligibility of potential deportees for protection prior to their deportation.

The United States Government can play a leading role in encouraging the cooperation of Thailand, and of the UNHCR in meeting these objectives. The U.S. Government can also assist by providing resources for basic assistance to vulnerable non-camp-based populations.

Human Rights Situation in Western Burma—prior to flight to Bangladesh

On Burma's western border *RI* documented the flight of the Rohingya from northern Arakan State as a direct result of Burmese government policies. These policies deny them citizenship under the 1982 Citizenship Law, limit their religious practice, facilitate land confiscations for army camps or settlement by Buddhist settlers and prohibit them from leaving their villages. Restrictions on Freedom of movement limit their ability to access markets, employment, education and medical care. Unlike the Buddhist Rakhine who also live in Arakan state, or the ethnically dominant Burmans, the Rohingya must pay a significant fee in order to register for marriage or birth. As with most ethnic groups, *RI* interviewed Rohingya who were subject to persecution and human rights abuses for being accused of links with resistance groups. Such discrimination has contributed to a continuing influx of Rohingya into Bangladesh, estimated at more than 10,000 in 2002. This adds to the existing caseload of 21,000 "prima facie" Rohingya refugees and an estimated 200,000 unofficial Rohingya currently living in Bangladesh.

Protection of Burmese Refugees in Bangladesh—The role of the Government of Bangladesh and the UNHCR

Despite a clear record of discrimination by the Government of Burma against Muslim Rohingya, the UNHCR has stepped up repatriation efforts in an attempt to phase out its responsibilities to the 21,000 refugees residing in camps in Bangladesh. This group remains from the mass exodus of 250,000 Rohingya who sought refuge in Bangladesh in the early 90s. These refugees received "prima facie" refugee status, obliging UNHCR to protect and assist them. Refugees fleeing similar condi-

tions following the mass repatriations in 1994 and 1995, however, were less fortunate, having been labeled economic migrants who have no legal right to UNHCR's protection and assistance. While conditions for Rohingya inside Burma have hardly changed in the last decade, what appears to have changed is UNHCR's policy towards Rohingya concerning rights to UNHCR protection and support. In less than two weeks, the UNHCR is planning to end its role in repatriations of Burmese Rohingya to Bangladesh. By the end of the year, they plan to phase out assistance with a final pull out anticipated by the end of next year.

By stepping up repatriation efforts and reducing assistance to refugees, UNHCR has created an environment in which protection for the Rohingya is virtually untenable. In the course of an assessment mission to Cox's Bazaar district in April, where Rohingya refugees live in camps and illegally among the local population, *RI* found clear evidence of attempts by camp officials to coerce refugees to return to Burma. Methods of coercion which refugees reported to *RI* include a reduction in certain basic entitlements, including food, withholding of medical services or pharmaceuticals, forced relocation within the camps to poorer housing, beatings, and, most commonly, threats of and actual jail sentences.

Mohammad, a father of six in his thirties, was asked to agree to repatriate by camp officials in the presence of UNHCR. When he dared to tell UNHCR he did not want to return, he alleges that the camp authorities later beat and tortured him until he fell unconscious. He was then sent to jail on false charges for more than two years. UNHCR, aware of his situation, was unable to help him. Now that Mohammad is out of jail, he faces the same predicament. Already the camp leader has threatened him with another jail sentence if he does not agree to repatriate. "I have only two choices: I go to jail, or I go back to Burma. Going to jail is better than going to Burma," he stated.

A local Government representative, concerned over UNHCR's premature withdrawal from its repatriation role, has admitted that, "UNHCR's decision to withdraw from the camps has caused us to try to speed up repatriations. The refugees who do not want to return cannot stay here. The Government will send them back even if they do not want to go. Bangladesh is a poor country and cannot take care of this situation."

UNHCR has been unable to ensure that returns are voluntary. UNHCR has received dozens of reports of coercion from refugees and other concerned sources, but repatriations continue to scale up with no clear response to allegations of involuntary returns. Some refugees have chosen to leave the camps and live illegally in hiding in surrounding towns.

UNHCR claims that once it disengages from the repatriations, it still plans to perform its protection duties. UNHCR's poor record monitoring repatriations to date, and the fact that by its own admission it is under-staffed, give cause for concern about the future of protection for the Rohingya. With responsibility for the camps being handed over to the Government of Bangladesh, it is unclear how UNHCR will be able to uphold its protection mandate.

UNHCR insists that refugees have the option of integrating into the community once it disengages. As a challenge to this assumption, however, one has only to look as far as the slum settlement of 4,000 in Teknaf. Government authorities evicted this group of illegal Rohingya from their homes in late 2002. They now live in horrendous conditions with mortality rates near emergency levels and no means of obtaining basic services and protection. As illegal immigrants they are not allowed to own land, have access to education and public health care, or enjoy the basic rights granted to citizens of Bangladesh. As one local authority stated, "Refugees cannot integrate with the local people. They will have to take care of everything for themselves. This is difficult in this region when you don't own property." Cox's Bazaar is one of Bangladesh's poorest and most depressed areas. Further "disengagement" of UNHCR from the Rohingya caseload amounts to disengagement from their legal obligation to provide assistance and protection to these refugees. The proposed phase out plan is likely to leave the Rohingya with limited redress for assistance or protection from refoulement or abuse by local authorities.

Recommendations

In order to give these Rohingya the protection from non-refoulement that is their right, *RI*, recommends that the Government of Bangladesh honor the principle of non-refoulement and UNHCR continue its camp-based assistance and protection role. It is imperative that repatriation activities cease until an independent investigation has been conducted into the voluntary nature of repatriations. UNHCR must strengthen, not weaken its protection activities by increasing its presence in the camps and increasing expatriate staff who are not subject to local pressures. Donor governments should continue to fund humanitarian and protection programs

for the Rohingya. Meanwhile, the Office of the UN High Commissioner for Human Rights and independent human rights monitors should conduct an investigation into the discriminatory policies and human rights abuses of the Government of Burma against the Rohingya.

Thank you for the opportunity to share *RI*'s findings with the Subcommittee on East Asian and Pacific Affairs.

Senator BROWNBACk. Thank you, Ms. Martin, for that testimony.

Why do you think the Thai Government has been hesitant in something that seems such a clear situation? Why have they not been more helpful towards the refugees, more condemning towards the Burmese Government?

Ms. MARTIN. My sense is that they are very afraid of a magnet effect, a so-called pull factor, that if they are more hospitable to Burmese who want to enter Thailand, that a great percentage of the country of Burma would come into Thailand. I think there is great concern that an Indochinese-type refugee situation would occur again.

Nonetheless, there are 2 million Burmese already in Thailand, and because Thailand has not allowed them access to refugee camps, they're now living illegally, as illegal migrants. They don't have access to health care, education, or any legal redress, and they are routinely, or they're often abused by Thai individuals and authorities as well, so we have an underground or illegal population who don't have access to assistance, and in their own way are then creating a problem with Thailand.

Senator BROWNBACk. That was my experience at the border. I mean, you've got population, and they're going to flee. If they're being persecuted, pursued, killed in their own communities, they're going to flee, you're going to have that situation, and you just create a pool of very vulnerable people that Thailand is going to deal with anyway.

Ms. MARTIN. Exactly, and I think a perfect example of a vulnerable group are the Shan people. This is an ethnic minority that has not been allowed any access to refugee camps. It's estimated that there are 150,000 in Thailand, and they have fled well-documented abuses in Burma, including rape.

Thailand has not allowed them any sort of assistance, so one way that the United States Government could support this is to actually have some financial resources for these displaced populations in Thailand that are not in camps, particularly vulnerable populations such as women and children who are forced to live on construction sites and have no access to any assistance or protection.

Senator BROWNBACk. So the United States could provide more funds for the refugees in Thailand, and I doubt we're taking very many refugees into the United States from Burma, but we should.

Ms. MARTIN. Right. I think that Thailand is not permitting Burmese to leave Thailand, to give them exit permits to enter the United States.

Senator BROWNBACk. So we could press the Thai Government about that issue as well.

Ms. MARTIN. That's right.

Senator BROWNBACk. Would that be correct?

Ms. MARTIN. That's right, and I think also in terms of providing more resources for Burmese in Thailand, that would have to go hand in hand with advocacy with the Thais to allow that to hap-

pen, because at this time, they are not allowing international organizations to assist Burmese who are so-called illegal migrants. We would argue that many of them are legitimate refugees, but at this time Thailand does not allow assistance to them.

Senator BROWNBACK. Because of the lateness of the hour, I'm not going to be able to ask many questions, but Mr. Aung, I particularly appreciated your testimony and your perseverance; I wanted to note that, to be here, and your continued advocacy on behalf of the people that continue to suffer. Do you have any further policy recommendations? You have put forward some, but in reaction to either Senator McConnell's or other recommendations that you heard on this panel, or from Lorne Craner? Do you have any other thoughts on their policy recommendations?

Mr. DIN. We expect the United States Government will bring our issues to the United Nations Security Council to take more action. We expect the United Nations Security Council will adopt a similar resolution like the Burma Freedom Democracy Act, so we would like to ask the United States administration to work more actively organizing China and other countries who may oppose the idea to bring the situation to the United Nations Security Council.

Senator BROWNBACK. Would anybody on the panel oppose tighter United States and global sanctions on Burma? There are differing points of view sometimes on this that you hurt the people more than you help, but the democracy advocates inside Burma have all advocated no, keep the pressure on the regime, and I wondered if there was any difference of opinion on that in the panel.

[No response.]

Senator BROWNBACK. Okay. I wanted to make sure of that.

Mr. DIN. Mr. Chairman, the most important thing is that sanctions is called by Burmese democracy leadership, sanction is called by people of Burma inside. The people argue that sanctions will hurt some people. Yes, we agree, sanctions will hurt some ordinary people, but with a minimum impact, but it will be far less than the whole country suffering under the military regime. It will be small sacrifice, and then the sanctions worked for South Africa. We have seen that, so we believe sanctions will work for my country, too.

And my country has a very unique situation. We have a strong political party which won a landslide victory in 1990 general election. We have Members of Parliament elected by the people, who are ready to rule the country. We have strong democratic leaders, including Aung San Suu Kyi. We have strong people who are ready to sacrifice their life to have freedom and democracy, so we believe that sanctions will work for our people of Burma.

Senator BROWNBACK. I think they will, and they will particularly be successful if we could get a broader coalition internationally to support us with that. I know the administration is committed to making that happen as well, because these are best if they're done in a large press push internationally, for us to push these on forward.

Yes, Mr. Rogers?

Mr. ROGERS. Mr. Chairman, I would just add that, assuming that the sanctions have the desired effect and bring about a change, I think it's terribly important for us to be prepared, for the Burmese to be prepared for the transition to a democratic government and

so on, and so I would advocate strongly that our Government take the lead in helping to organize for the change-over, the transition, if you will, to avoid a chaotic, perhaps even a very violent situation that could follow.

And to the extent that Burmese students returning to their home country can play a role in helping a kind of domestic Peace Corps, if you will, to get out to all parts of the country and help begin the transition peacefully I think would be very important.

Senator BROWNBACK. That's a good suggestion. I want to thank very much the panel for being here. Thank you for your patience during the recess that we had. Thank you for your expertise and your commitment to a free Burma.

I tell you, I look at these situations around the world, and I get to see a fair number of them, but it is really my hope and prayer and my belief that dictators around the world are on the run, and we're going to keep them on the run. People deserve to be free, and if there's anybody anywhere in the world that is not free, it takes away from the freedom of all of us.

We should advocate for that, and we should press that, and I am hopeful we can get a broad coalition to continue to press for the freedom of the Burmese people. They've certainly suffered long enough, and it is time they were able to live free. Thank you very much for your commitment, and for being here.

[Whereupon, at 4:40 p.m., the hearing was adjourned.]